

Antici+1 (legal advisers) – Meeting on
Legislative Transparency
Tuesday, 4 September 2018, 14h30

Scene setter

In a Policy Paper on legislative transparency dated Friday, 13 July 2018, the GSC proposed 'a new approach towards legislative transparency and information', updating the current Council rules and practices for the publication and circulation of legislative documents in light of developments, operative needs and case law.

The discussion in Coreper II on 18 July 2018 showed that while Member States remain committed to legislative transparency, no consensus could be reached on the approach to be taken. In particular it appeared that a more thorough understanding of the legal requirements, current practices and possible avenues for action was needed. Therefore, Coreper tasked the Antici Group and the legal advisers to further examine the issue of legislative transparency in view of a future discussion in Coreper.

As a first step, at the Antici+1-meeting on 4 September 2018, the Presidency intends to examine the current practices and existing (legal) constraints, based on presentations from the Council Legal Service and the GSC:

- First, a better understanding is needed of the legal requirements for legislative transparency, stemming from the Treaties, the Regulation on public access to European Parliament, Council and Commission documents (1049/2001), the Council's rules of procedure and the existing case law.
- Second, an overview will be provided of the different documents produced during a typical legislative process, including the current practice regarding whether these documents are public or not.
- Finally, a more thorough understanding is needed as regards the current practices with respect to access to documents requests received by the Council, including basic statistics amongst others on the numbers of public vs *limité* documents, the numbers of requests for access to documents as well as data on the granting or refusal of access following a request.

Once a better understanding of the current practices and constraints is established, further meetings could dwell on the question whether, and if so, which current practices may need to be adapted before turning to possible policy options.