

## NON PAPER – April 2015

Denmark - Estonia - Finland – The Netherlands – Slovenia - Sweden

### Enhancing transparency in the EU

*Over the last years, discussions have started on how to improve the EU decision-making process, part of which is an agenda to increase transparency in the European Union. In the Council, discussions were held within the Friends of Presidency Group on “improving the functioning of the EU”, which also focused on transparency, amongst others the possibility to include principles of transparency in a European Law of Administrative procedure. The Commission showed its determination to increase transparency of its work by making its meetings with interest groups public. It announced its intention to present a mandatory Transparency Register. Making the EU decision-making process more transparent is an important tool to further strengthen legitimacy of the European Union’s decision-making process. This goal can only be attained if the three institutions work together in the same spirit and show their preparedness to further enhance transparency in the EU. This paper mentions several steps that could be taken within the Council framework to enhance transparency, most importantly by focusing on active transparency, whereby the institutions pro-actively make their documents public and work in the most transparent manner.*

#### **Towards accessibility to information – creating a one-stop-shop IT portal**

The legislative cycle should be traceable by means of a user-friendly database which encompasses documents created during all procedural steps of the decision-making process of the Commission, the Council and the European Parliament. The database allows to reconstruct the decision-making process in a clear and structural manner.

#### **Towards a clear assessment framework for *limité* documents**

The Council structurally upholds the principle of transparency and implements a coherent system that clearly states how and when a document is marked *limité*. These principles and procedures are consequently and coherently upheld.

#### **Towards a transparency register for the Council**

The transparency register initiated by the European Parliament and the Commission has contributed to a more transparent decision-making process. The register is now widely applied. The Commission will present a proposal for a compulsory register this year. It is essential that all co-legislators apply the same standards for transparency, which implies that the Council joins the transparency register used by Commission and European Parliament.

#### **Towards a register for delegated acts**

Further steps to improve the transparency with regards to implementing and delegated acts have been announced by the Commission in its non-paper on delegated and implementing acts. It is important that the steps proposed, such as a register of draft delegated acts and expert hearings, will be implemented as soon as possible and without further delay.

#### **Towards transparent trilogues**

In order to increase the transparency of the legislative cycle and by making the decision-making process better traceable, it is essential to make the process of trilogues more transparent, including the way the two co-legislators deal with transparency of trilogue

negotiations. This could be done for example by actively disseminating information on the outcome of the trilogues in a common communication of the institutions and by making the dates for trilogues known to the public in advance, e.g. on the one-stop-shop IT portal (see above). This could be expressly laid down in the reviewed IIA on “better law-making”.

#### **Transparency regulation 1049/2001 – adaptation to the Lisbon Treaty**

The negotiations on the adaptation of regulation 1049/2001 to the Lisbon Treaty have not been conclusive so far, this subject is still on the agenda of the institutions. New approaches should be explored to see how the existing deadlock between the institutions could be overcome. Even though regulation 1049/2001 has not yet been adapted to the Lisbon Treaty, the principles underlying this regulation and those enshrined in article 15 (3) should apply to the Union’s institutions, bodies, offices and agencies.

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