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To: The President of the European Council
The President of the Council of the European Union
The President of the European Commission
The President of the Eurogroup

The Hague, December 20th, 2017

Dear President Tusk, Prime Minister Ratas, President Juncker and President Dijsselbloem,

During a plenary meeting of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) held in Tallinn on 26-28 November 2017, delegations of the national parliaments of the European Union and the European Parliament discussed how the EU can be brought closer to its citizens. National parliaments can play a large role in this. However, one of the conclusions of this discussion was that more transparency of political decision-making is needed within the EU. More openness facilitates better public and parliamentary debates before votes take place, and afterwards ensures that citizens know how their governments voted. Transparency could thus create more accountability for the outcomes of political decision-making, as well as making decision-making process itself more legitimate by opening it up for input from citizens, stakeholders, media and national parliaments.

In order to attain a higher level of transparency and thereby political legitimacy of the EU, we, the undersigned delegations to the COSAC, propose four actions which we believe your institutions must take. We invite you to discuss these proposals amongst yourselves and inform us on how you will implement them in due course. The four actions are:

1. Legislative documents must systematically be made public without delay

We call upon the Council to start applying the Transparency Regulation (Regulation 1049/2001) as intended and in line with the Court's case law. This means that within the Council, routine procedures and working methods must be established to carefully assess whether a new document should be made available to the public immediately, or whether one of the exceptions in Article 4 of the Transparency Regulation applies. This assessment must be made on a document-by-document basis and directly upon circulation among Member State governments. The Council should also broaden the definition of "legislative document" in order to include presidency conclusions, state-of-play documents and multi-column texts.

2. The Council must adopt more specific and detailed rules regarding reporting on legislative deliberations

We call upon the Council to standardize the reporting on Council meetings and preparatory Council meetings involving the creation of legislation and to establish these standards in its rules of procedure. This means that a comprehensive agenda must be distributed for each meeting in which legislation is discussed. Furthermore, the minutes of the meetings must pro-



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vide details on the files discussed, the points of discussion, submissions made by the Member States and any voting results, either formal or interim/informal, even if no progress was made. Additionally, the legislative process could further be enhanced by regular public exchanges of views at COREPER or at a ministerial level, for instance every three months or after every five working-group meetings. Adopting these rules will be the first step in making the Council more transparent for national parliaments.

3. Informal but influential bodies must be formalized and, at the very least, start applying the Transparency Regulation internally

We call upon the European Council, the Council when meeting informally (for instance in EU-27 Brexit) and the Eurogroup to start applying the Transparency Regulation and to develop rules of procedure that are in line with the standards developed in EU legislation and case law. This will enhance transparency in a proactive and voluntary manner and at the same time leave room for these bodies to refuse access to documents according to Article 4 of the Transparency Regulation.

4. Negotiations on the Transparency Regulation must be reopened in order to align the Regulation with the expanded requirements

We call upon the Council and the Commission to reopen the negotiations on the Transparency Regulation and to establish a general approach in the near future so that the inter-institutional negotiations may start. This general approach should at least align the Transparency Regulation with the expanded requirements under Article 15(3) TFEU to encompass all of the EU's bodies, offices and agencies. However, this should not obstruct the rights granted by the current Transparency Regulation and its case law.

We attach a position paper prepared by the Dutch delegation on this issue for your information and the legal advice the Dutch parliament received from its parliamentary attorney. We are aware of the many reforms that have already been implemented on the issue of transparency, also by your institutions. However, we believe that some of the core issues as outlined above have been neglected for far too long. We urge you to discuss these proposals in a serious and constructive manner. We invite you to inform the COSAC ahead of its next plenary meeting in Bulgaria in June 2018 on the actions you have taken in response to our four points.

Yours sincerely,

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on European Affairs,
House of Representatives of the Netherlands

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Chairman of the Standing Committee
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