NON-PAPER --- June 2019

Estonia – Ireland – Luxembourg- The Netherlands – Slovenia - Sweden[1]

'Increasing transparency & accountability: The key to a better functioning of the Union'

A future-proof and effective EU requires a Union that is accountable and enjoys the trust and participation of its citizens. Enhancing openness and sharing information are key, as it brings citizens closer to the EU and enables the institutions to enjoy greater legitimacy, accountability and effectiveness.

Over the past years, the institutions have shown commitment towards modernising the EU's legislative working methods following the principles of sincere cooperation, transparency, accountability and efficiency. Certain initiatives have already been completed, while others have been proposed and are under negotiation. Considering the current disconnection between the EU's transparency policy and citizens' expectations there is, however, still room for improvement.

This paper outlines a triple track approach through which we can pursue a modern and coherent EU policy adapted to the expectations of the twenty-first century while at the same time preserving the effectiveness and confidentiality of decision-making and the necessary space to think.

1. Strategic Agenda

The Strategic Agenda of the European Council offers an opportunity to reconfirm our determination to further enhance accountability in the functioning of the EU and its institutions.

2. The principle of the proactive approach

Applying the principle of the proactive publication of EU legislative documents would result in improved readability and traceability of the legislative process by establishing, for example, the following measures:

- Systematic endorsement of Council mandates for trilogue negotiations through the adoption of a General Approach, thereby ensuring a uniform practice across Council formations;

[1] Parliamentary elections have taken place in Denmark. Danish participation in the non-paper will be clarified after a new government has been formed.

- A more uniform recording of the main political lines of discussion within the Council and national statements in the note accompanying the General Approach.

- Increase openness in trilogue negotiations by systematic publication of legislative milestone documents of the Council;

- The guidelines for LIMITÉ marking should be updated. Furthermore, a regular review of the LIMITÉ status of documents and a yearly review of the application of these guidelines should be established.

3. Transparency across the board

We should systematically promote further insight into the legislative process across the board and where possible. The following initiatives could help deliver such an approach.

The implementation of an interinstitutional legislative database

In line with the Interinstitutional Agreement on Better-Law Making, the institutions should implement the interinstitutional legislative database as soon as possible.

Lisbonisation of Regulation 1049/2001

Regulation 1049/2001 is the cornerstone of the EU's overall transparency policy and needs to be updated in the next legislative cycle, to ensure its alignment with the Lisbon Treaty.

Trilogues

- Trilogue dates and agendas (general summary, focusing on main points for discussion) should systematically be announced publicly in advance;
- Active dissemination of information on the final outcome of negotiations, including joint press releases.