



Médiateur européen

The President

21 DEC. 2016

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Date d'arrivée

Ms Emily O'Reilly  
European Ombudsman  
1, avenue du Président Robert Schuman  
CS 30403  
F - 67001 STRASBOURG Cedex

Dear Ms O'Reilly, dear Ombudsman,

Thank you for your letter of 12 July 2016 informing me about your decision to close your strategic inquiry OI/8/2015/JAS concerning the transparency of Trilogues and asking me to inform you of the actions the European Parliament has taken.

In my letter of 22 October 2015 I reflected on the scope of your inquiry and I *inter alia* concluded that the inquiry did not seem to be based on a suspicion of maladministration. I welcome the fact that indeed no grounds for maladministration were found.

As you are aware, the European Parliament has a strong record as regards legislative transparency, openness and accountability and it takes these principles very seriously. I therefore welcome this invitation to react to your analysis and proposals.

As explained in my letter, for an act to be adopted under the Ordinary Legislative Procedure, the co-legislators must at some point during the procedure agree and adopt the same text, whether at first, second or third reading. This requires that the institutions talk to each other. I therefore welcome your conclusion that the structured trilogue system is an improvement of more informal means relied on in the past, using verbal negotiations, which did not allow for an appropriate level of democratic oversight.

I believe we share the same objective of making the EU's legislative procedure as open as possible, without unduly or unintentionally limiting its efficiency and, even more important, without putting the required internal transparency and accountability of the decision-making process at risk.

With regard to your proposals I would first of all like to draw your attention to the revision of Parliament's Rules of Procedure as adopted on 13 December 2016, which further enhances the transparency and accountability of our work. The new rules *inter alia* foresee a larger role for the plenary with regard to the starting of the negotiations and the negotiation mandate, thereby building further on the 2012 reform.

The Parliament fully recognises the need for making available to the public factual information on legislative negotiations. In fact it already publishes the composition of its negotiating team and the negotiating mandate, trilogues are announced in committees and the negotiating teams report back to their colleagues after each negotiation round. While many of Parliament's meetings are already web streamed, our services are looking into ways of making it easier to find back the right video recording linked to a given legislative file.

The Parliament is currently assessing how it can make available more systematically the dates of upcoming trilogues, which requires further coordination with the other institutions. Such coordination with, and agreement by, the other institutions is even more important in relation to the proposal to make available summary agendas. With regard to the access to documents during the trilogue negotiations, it will be necessary to wait for the results of the on-going court case before the Court of Justice.

Allow me to conclude by referring to the joint legislative database to be developed by the three institutions, as foreseen in the Interinstitutional Agreement on Better Law-making. It will be an important tool in better and more user-friendly informing the public on legislative files and should contribute considerably to most of the issues addressed above.

Yours sincerely,



Martin Schulz