

EUROPEAN COMMISSION

Cabinet of First Vice-President Frans Timmermans

Head of Cabinet

Brussels, ~~03. 03. 2016~~
BM/kr Ares (2015) 4072320

Dear Ms Fernández Perez,

Thank you for your open letter of 30 September 2015, on behalf of European Digital Rights (EDRi) and seventeen other civil society organisations, to the Presidents of the European Parliament and the Commission and to the Secretary-General of the Council, on the important topic of transparency of the legislative process. Please accept our apologies for the delay in replying to you.

I would firstly like to inform you that the Commission considers trilogues to be a useful way of organising certain phases of the legislative process. Trilogue participants are formal representatives of the three institutions, acting on the basis of mandates received by their respective institution. Trilogues in no way impede on the formal legislative procedures or on the accountability and democratic controls foreseen in the Treaty.

The Commission is also of the view that the institutions should consider whether more can be done to improving the information made available to the public on the implementation of the legislative procedures, including the work of trilogues.

Therefore, in the proposal for a new Inter-institutional Agreement on Better Law-making, the Commission included in particular an invitation to the other institutions to examine ways to increase the transparency of legislative procedures. The three institutions concluded these negotiations by the end of 2015 and the formal endorsement of the new agreement is now underway in the European Parliament and the Council of Ministers.

The future Inter-institutional Agreement sets out broad orientations to increase the transparency of the work of the institutions.

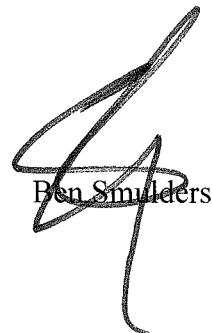
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It also includes a specific chapter on transparency and coordination of the legislative process, in which the three institutions confirm their commitment to:

- "further improve the work under [the Ordinary Legislative Procedure] in line with the principles of sincere cooperation, transparency, accountability and efficiency";
- "ensure the transparency of legislative procedures, on the basis of relevant legislation and case-law, including an appropriate handling of trilogue negotiations";
- "improve communication to the public during the whole legislative cycle and in particular announce jointly the successful outcome of the legislative process in the ordinary legislative procedure once they have reached agreement, namely through joint press conferences or any other means considered appropriate";
- "in order to facilitate traceability of the various steps in the legislative process, the three institutions undertake to identify, by 31 December 2016, ways of further developing platforms and tools to this end, with a view to establishing a dedicated joint database on the state of play of legislative files".

These commitments lay down the foundations for further work through which the three institutions will seek to find common ground and concrete actions to improve the transparency of the legislative process.

Yours sincerely,



Ben Smulders