

To President of the General Affairs Council Ms Hadja Lahbib
Council Secretary General Ms Thérèse Blanchet

Date 5 April 2024

Subject Letter on Council's proposal to revoke national parliaments' access to the Delegates Portal

**Meijers
Committee**
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Dear Ms Lahbib, dear Ms Blanchet,

As an independent group of experts, the Meijers Committee has monitored the development of transparency in the EU decision making process since the early 90s. In that context, the Meijers Committee has written numerous comments on the importance of democratic and transparent decision-making in the EU.¹

We have recently been informed that the Council Secretariat is considering withdrawing access to the Delegates Portal system for national parliaments, with the intention of tightening adherence to the official practice that only email-addresses of government agencies are permitted access to the portal. With this letter, we would like to raise attention to this potential and very undesirable development. In practice, we have observed that access to the Delegates Portal and its predecessor has been permitted for many years and has become crucial for national parliaments of the Member States to effectively participate in Council decision-making. In fact, it is the duty of national parliaments to effectively scrutinise their government's role in Council decision-making processes. We would like to stress that categorically disconnecting them from Delegates Portal would severely hinder them in their ability to do so. While the Council Secretariat has proposed using the Council Information Exchange Platform (i.e. CIXP) as an alternative infrastructure, it lacks many of the functionalities of the Delegates Portal and is reported to be unstable in practice. Transitioning to a system where Member States are required to manage their own portals would undermine EU cooperation, limit access to documents and increase administrative burdens.

Legislative transparency is a general principle of European law and a legal obligation under EU treaty law. We thus view the proposal to revoke national parliaments' access to the Delegates Portal as highly problematic. Not only would this go against the spirit of EU primary law, more specifically Articles 4 and 12 of the Treaty on the European Union (TEU) and Protocol (No 1) of the Treaty on the Functioning of the European Union (TFEU); it would also send an entirely wrong message to citizens just ahead of the European elections. In addition, the Council's proposal could also lead to clear differences in access to EU legislative documents between national parliaments. The latter outcome surely cannot be aligned with the purpose of the relevant provisions outlined in the Treaties.

We hope that you will take our concerns on board during the negotiations on this file. As always, we remain at your disposal for further information and to answer your questions.

Yours faithfully,



Prof. dr. A.B. Terlouw,
Chairwoman

¹ https://www.commissie-meijers.nl/comments/?_tags=transparency-2.