



European Ombudsman

Emily O'Reilly
European Ombudsman

Mr Jeppe Tranholm-Mikkelsen
Secretary-General
Council of the European Union

Strasbourg, 23/07/2019

Complaint 640/2019/TE

Subject: Report on inspection and meeting in the above case concerning the transparency of the Council's decision-making process for adopting annual regulations setting fishing quotas (total allowable catches)

Dear Mr Tranholm-Mikkelsen,

On 10 May 2019, following a complaint by ClientEarth, I opened an inquiry into the transparency of the Council's decision-making process leading to the adoption of the annual regulation setting the 'total allowable catches' (TACs) of fish stocks in the Northeast Atlantic (the TAC Regulation).

On 27 June 2019, my inquiry team met with Council representatives to inspect documents related to the process and to get clarification on the practices in the Council.

Please find enclosed, for your information, a copy of the inspection report, which I have also sent to the complainant for possible comments. I would like to thank your colleagues for their good cooperation during the meeting.

I understand that, at least since the end of November of each year, the Council has compiled documents¹ that detail the state of negotiations on the TAC Regulation at different points in time, and which contain the positions of individual Member State delegations² on the Commission proposal. I also understand that these documents are systematically marked as 'LIMITE'.

¹ These documents are listed as 'standard documents' in the Council register.

² Most notably in form of the so-called '*bible*', which details the Member State positions.



I wish to obtain your views on how to ensure the transparency of the decision-making process for adopting the TAC Regulation, notably by *publishing proactively* the relevant documents, in line with Article 12 of Regulation 1049/2001. For example, I would like to know whether the documents can be made publicly available at the time they are circulated to Member State delegations, or very soon thereafter.

If you wish to provide additional comments on the complaint, please use this opportunity to provide me with these comments.

Please note that I am likely to send your reply and any related enclosures to the complainant for comments.³

I would be grateful to receive the Council's reply by **30 September 2019**. Given the time sensitivity of this inquiry, with negotiations on the new TAC Regulation set to start in November, I may decide to go ahead with my inquiry should I not receive a reply by the above date.

Yours sincerely,

Emily O'Reilly
European Ombudsman

Enclosure: Report on inspection meeting

³ If you wish to submit documents or information that you consider to be confidential, and which should not be disclosed to the complainant, please mark them 'Confidential'. Such documents can be sent through secure channels, such as Ares, CIRCABC or equivalent applications.