



Council of the European Union
General Secretariat
The Secretary-General

Brussels, 29 April 2024
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Mr. Niels Flemming HANSEN
Chair of the European Affairs Committee of the Folketing

Ms. Laura BROMET
Acting chair of the European affairs committee of the Tweede Kamer

Mr. Bastiaan VAN APELDOORN
Chair of the Committee on European Affairs of the Eerste Kamer

Subject: Your letter on access to Council documents

Dear Ms. Bromet, Dear Mr. Hansen, Dear Mr. Van Apeldoorn,

I would like to thank you for your letter dated 9 February 2024 regarding access of national Parliaments to the Council's *Delegates Portal* platform. I am responding in agreement with the President of the Council who has asked me to address the issues you have raised.

As you rightly point out, the EU Treaties, including Protocols No 1 and 2, do recognise the specific role that national Parliaments play in the democratic life of the Union and encourage their greater involvement in the Union activities by setting out expressly the different ways in which they contribute actively to the good functioning of the Union. The Treaties also make it clear, in Protocol No 1, that the way in which national parliaments scrutinise their governments in relation to the activities of the Union is a matter for the particular constitutional organisation and practice of each Member State.

Accordingly, all the documents that the Treaties oblige the Council to transmit directly to national Parliaments are automatically forwarded to them by the General Secretariat of the Council, using a specific IT system, to defined email addresses in all national Parliaments in an equal way.

With regard to documents outside the scope of these Treaty obligations, the Council provides its non-public documents to its members - i.e. the representatives of each Member State at ministerial level - and officials of their national administration through two IT platforms: *Delegates Portal* and the *Council Information Exchange Platform (ClxP)* which operate on the basis of equal treatment.

Delegates Portal is a platform developed and made available centrally by the General Secretariat of the Council, which is specifically designed for Council delegates to meet the working needs of members and delegates in national administrations attending meetings and preparing the work of the Council.

The *Council Information Exchange Platform* (ClxP) is the mechanism set up for distributing formally all Council documents to Member States. It pushes all documents to central nodes in Member States' relevant administrations. ClxP is a modern system which was specifically designed to enable Member States to meet any internal needs for onward distribution of Council documents within their internal constitutional structures.

Taking full advantage of the capabilities of the ClxP system and in the interest of avoiding additional administrative burden on national administrations, the General Secretariat of the Council is currently in the process of helping the Member States concerned to configure their ClxP nodes for the purpose of onward transmission in real time of Council documents, as needed, also to their national parliament. The Secretariat is also helping Member States, who wish to do so, to make available further functionalities similar to those in Delegates Portal using ClxP metadata. This process has already been completed or is well advanced in a number of Member States, and may take more time in others. Throughout this process, and until the Member States concerned have re-configured their ClxP nodes, access as currently provided in the Member States concerned will continue.

I would add that in terms of quality, the ClxP platform is operated in line with service arrangements agreed by all Member States, which include targets in terms of maximum transmission time and a very high availability level for the General Secretariat central ClxP node and ClxP web services. These targets have been consistently met.

I trust these explanations show the General Secretariat's readiness to find a pragmatic and effective way forward while respecting the Council's obligations under the EU Treaties, equal treatment and the respective constitutional arrangements of the different Member States. We will continue to provide support to our Member States so that a smooth transition can be implemented with minimum effort for national administrations and no disruption in access to documents by national parliaments.

Thérèse BLANCHET