

The Council of the European Union's refusal to grant public access to documents relating to the 'Nord Stream 2' gas pipeline

Case 1611/2019/KR - **Opened on** 04/09/2019 - **Decision on** 27/03/2020 - **Institution concerned** Council of the European Union (No maladministration found) |

The case concerned public access to documents regarding EU negotiations with Russia on the Nord Stream 2 gas pipeline, which is intended to supply Russian gas to Germany. In particular, the complainant sought access to documents related to the recommendation by the European Commission to the Council of the EU, by which the Commission sought a mandate to open negotiations on the future operation of the pipeline, which is currently under construction.

The Council argued that disclosing the documents could undermine international relations and withheld the documents, based on an exception set out under the EU's rules on public access to documents. While recognising the strong need for democratic and public scrutiny of this controversial project, the Ombudsman acknowledged that it was reasonable for the Council to argue that, at the time of the request for access, disclosing the documents could undermine international relations. She therefore closed the inquiry with a finding of no maladministration.