

The transparency of Member State positions on a proposal by the European Commission for a regulation implementing the Eco-design Directive

Case 1944/2019/DL - **Opened on** 25/10/2019 - **Recommendation on** 27/07/2020 - **Decision on** 09/02/2021 - **Institution concerned** European Commission (Maladministration found) |

The complaint concerns the refusal by the European Commission to grant public access to documents setting out Member State positions on a proposal by the European Commission for a regulation implementing the Eco-design Directive. The Commission considered that disclosing Member State positions would undermine the decision-making process and infringe data protection rules.

The Ombudsman takes the view that wider access to such 'legislative documents', is crucial to enable citizens to participate in the EU democratic process. She found that the Commission has not demonstrated that disclosing the documents would seriously undermine the decision-making process or infringe data protection rules.

She therefore made a recommendation that the documents should be disclosed. The Commission rejected the Ombudsman's recommendation. The Ombudsman expressed her disappointment with the Commission's decision and closed the inquiry, confirming her finding of maladministration.