

The European Commission's failure to make public proactively all 'confirmatory decisions' it takes following requests for review of its decisions on public access to documents

Case 763/2020/DL - Opened on 04/06/2020 - Decision on 06/04/2021 - Institution concerned European Commission (No further inquiries justified) |

The complainant sought public access to final decisions by the European Commission on a series of public access to document requests. The Commission refused access to these so-called 'confirmatory decisions', which it adopts following requests for review of its initial decisions on access to documents. It argued that the request covered too many documents, which would be not be possible to assess in the applicable time limit and would involve a disproportionate use of administrative resources. The complainant argued that, if the Commission proactively published confirmatory decisions, there would be no burden. Based on the complaint, the Ombudsman opened an inquiry into the more general failure by the Commission to make public proactively all confirmatory decisions. In the course of the inquiry, the Commission committed to consider proactive publishing 'confirmatory decisions'. It also committed to disclose additional information on its online portal for access to documents. In light of these commitments, the Ombudsman decided to close the inquiry. However, she made two suggestions on how the Commission could improve the online portal.