

The European Insurance and Occupational Pensions Authority's refusal to grant public access to the votes and debates of its Board of Supervisors on draft regulatory technical standards

Case 1564/2020/TE - Opened on 29/09/2020 - Decision on 18/05/2021 - Institution concerned European Insurance and Occupational Pensions Authority (Settled by the institution) |

The complaint concerned the transparency of how the European Insurance and Occupational Pensions Authority (EIOPA), and in particular its 'Board of Supervisors', adopts draft regulatory technical standards (draft RTS). The complainant sought public access to details of the Board's recent vote on a draft RTS on 'packaged retail investment products'. The EIOPA refused to make such information publicly available. The complainant is concerned about how the EIOPA dealt with his request, and the more general failure to make public information concerning votes and debates on draft RTSs.

In the context of the Ombudsman's inquiry, she sent her preliminary assessment to the EIOPA to seek its views. The Ombudsman considered that documents such as those at issue in the complaint should be considered as "legislative documents" and, in keeping with the EU's rules on public access to documents, the EIOPA should provide wider access to such documents. She considered that the EIOPA has not provided convincing arguments for invoking the exceptions under the EU's rules on public access to documents, to justify withholding access to the documents, and urged the EIOPA to grant access to the documents at issue in this complaint.

The EIOPA replied to the Ombudsman and indicated that it agrees that the draft standards at issue do relate to the legislative process. The EIOPA agreed to grant the complainant public access to the documents in question and to ensure that, in the future, its minutes on meetings of its Board of Supervisors contain appropriate information on members' votes on legislative matters. The Ombudsman welcomed EIOPA's reply and the steps taken, and closed the inquiry.