

Ombudsman welcomes Commission move to improve transparency

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The European Ombudsman, **P. Nikiforos Diamandouros**, has welcomed the move by the European Commission to improve the service provided to citizens in relation to access to documents. This follows the Commission's agreement to respond more quickly to complaints made to the Ombudsman about refusal of access to documents.

In a letter to the Ombudsman, Commission President, Romano Prodi, writes "I am ... pleased to inform you that the Commission accepts your proposal to reduce to two months the time limit for giving an opinion on such complaints.... This arrangement will, I am sure, serve the purpose of improving the transparency of our institutions vis-à-vis the citizens."

A shorter response time for the institutions seems reasonable in these cases. According to the Ombudsman, "The two-stage application procedure (for access) gives the institution the opportunity thoroughly to examine the documents concerned and to adopt a considered position in relation to the legal and factual issues involved. Citizens may therefore find it difficult to understand why the institution should need a further three full calendar months to give an opinion on a complaint submitted to the Ombudsman" about the refusal of access to documents.

The Ombudsman confirms, however, that he would be prepared to accept a request for an extension, if there were a good reason in a particular case why the shorter time limit could not be met.

Background

When the Ombudsman receives a complaint, he sends it to the institution or body concerned, asking for its opinion on the complaint within three months. In May 2004, the Ombudsman wrote to the Presidents of the Commission and the Parliament and to the Secretary-General of the Council, proposing that they reduce from three to two months the time limit for giving an opinion on complaints about the refusal of access to documents.

According to the Ombudsman, "Regulation 1049/2001 (on public access to documents (1)) establishes short time limits for replies from the European Parliament, Council and Commission to applications for access (2) The Community legislator thus appears to have considered it



important to ensure not only that citizens enjoy the widest possible access to documents but that they are able to do so as rapidly as possible."

The Ombudsman's letters to the institutions, as well as the reply from President Prodi, can be found on the Ombudsman's website at:

<http://www.ombudsman.europa.eu/resources/otherdocument.faces/en/3899/html.bookmark>
[Link]

<http://www.ombudsman.europa.eu/resources/otherdocument.faces/en/3900/html.bookmark>
[Link]

<http://www.ombudsman.europa.eu/resources/otherdocument.faces/en/3901/html.bookmark>
[Link]

<http://www.ombudsman.europa.eu/resources/otherdocument.faces/en/3913/html.bookmark>
[Link]

For further information, please call Mr. Ian Harden, Head of the Legal Department, tel. +33 3 88 17 23 84.

(1) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents; OJ L 145 , 31/05/2001 P.43 - 48.

(2) For both initial and confirmatory applications, the normal time limit is fifteen working days. An extension of a further fifteen working days is possible at both stages, provided that the applicant is notified in advance and that detailed reasons are given.