

Letter from the European Ombudsman to the European Commission on its decision to extend the deadline for its reply to a request for public access concerning the transport of breeding cattle to non-EU countries

Correspondence - 11/02/2021

Case 253/2021/MIG - Opened on 11/02/2021 - Decision on 19/03/2021 - Institution concerned European Commission (No maladministration found) |

Mr Christian Linder

Head of Unit - C2

Secretariat-General

European Commission

Strasbourg, 11/02/2021

Complaint 253/2021/MIG

Subject of case: The European Commission's decision to extend the deadline for its reply to a request for public access concerning the transport of breeding cattle to non-EU countries (your reference: GestDem 2021/0046)

Dear Mr Linder,

The Ombudsman has received a complaint from the X represented by Mr X against the European Commission. She has asked me to deal with the case on her behalf.

The complaint concerns a request for public access, dated 28 December 2020, to a list of exports of breeding cattle from Germany to non-EU countries in the year 2020. On 25 January 2021, the Commission informed the complainant that it had to extend the deadline for dealing with the request by fifteen working days, that is, until 16 February 2021. It argued that an extended time limit was needed as the document requested originated from third parties, which



had been consulted.

On 26 January 2021, the complainant replied to the Commission, objecting to the extension of the deadline and asking to receive the requested information by 29 January 2021. The complainant contends that the legal requirements for the Commission to extend its deadline were not met. He argues that the case was not “*exceptional*” and that the Commission did not give “*detailed reasons*” for the extension of the time limit.

Having not received any reply from the Commission, the complainant turned to the Ombudsman on 30 January 2021. On 10 February 2021, the complainant confirmed to our Office that he had still not received a reply from the Commission, neither to his objection to the extension of the time limit nor to his access request.

We have decided to open an inquiry into the complaint against the Commission’s decision to extend the time limit for its reply to the complainant’s access request of 28 December 2020 by 15 working days.

Regulation 1049/2001 states that applications for access should be handled promptly. It is in line with this principle that we also seek to deal with cases such as this as quickly as possible.

As a first step, we consider it necessary to review the exchanges between the Commission and the German authorities (to which the Commission referred in its email to the complainant of 25 January 2021). We would be grateful if the Commission could provide us with copies of these documents, preferably in electronic format (through encrypted e-mail), **by Thursday, 18 February 2021**.

Any material the Commission chooses to share with us that it marks confidential will be treated confidentially. Material of this kind will be handled and stored in line with this confidential status and will be deleted from the Ombudsman’s files shortly after the inquiry has ended.

The Commission’s reasoning for the time-limit extension has been set out in its email of 25 January 2021. However, should the Commission wish to provide additional views, to be taken into account by the Ombudsman during this inquiry, I would be grateful if they could be provided to us within fifteen working days from the receipt of this letter, that is, **by Thursday, 4 March 2021**. Specifically, it would be useful if the Commission could explain why it considered this case to be exceptional within the meaning of Article 7(3) of Regulation 1049/2001.

We understand that this is the third time within one year that the complainant has made a similar request for public access in the attempt to obtain timely information from the Commission. [1] We therefore call on the Commission to ensure that the complainant receives a reply to his access request within the extended deadline, that is, by 16 February 2021 at the latest, and to share a copy of that reply with us.

The responsible case-handler for this inquiry is Michaela Gehring.



Yours sincerely,

Rosita Hickey Director of Inquiries

[1] References: GestDem 2020/1339 and 2020/3359 (subject to the Ombudsman's inquiry 73/2021/MIG).