

The Innovation and Networks Executive Agency's refusal to grant public access to a cost-benefit analysis concerning the Brenner tunnel project

Case 311/2021/TE - Opened on 19/02/2021 - Decision on 02/06/2021 - Institution concerned European Climate, Infrastructure and Environment Executive Agency |

The complainant sought public access from the Innovation and Networks Executive Agency (INEA) to a cost-benefit analysis on the Brenner tunnel infrastructure project. The INEA refused access. In doing so, it invoked an exception provided for under the EU's rules on public access to documents, arguing that disclosure would undermine the protection of the commercial interests of the parties concerned.

In the course of the inquiry, after inspecting the cost-benefit analysis in question, the Ombudsman proposed that the INEA grant access as much of the document as possible, redacting only information that could truly be considered to be commercially sensitive. The European Climate, Infrastructure and Environment Executive Agency (CINEA), which succeeded and replaced INEA on 1 April 2021, agreed to grant access to parts of the document, with redactions that the Ombudsman considered reasonable. The Ombudsman therefore closed the case.