

The Council of the EU's refusal to provide full public access to documents related to trilogue negotiations on motor vehicle emissions

Case 360/2021/TE - Opened on 26/02/2021 - Decision on 11/10/2021 - Institution concerned Council of the European Union (No further inquiries justified) |

The complainant sought public access to documents concerning 'trilogue' negotiations between the European Parliament, the Council of the EU and the European Commission on draft rules for vehicle emissions. The Council granted access to only parts of the documents identified, invoking an exception under EU rules on public access to documents, and claiming that disclosing the remaining parts could undermine the ongoing decision-making process. These documents include tables comparing the negotiating positions of the different institutions.

The Ombudsman's inquiry showed that the Council had refused access only to those parts of the documents detailing its negotiating strategy on parts of the legislative proposal on which negotiations were ongoing. As such, she deemed that the redactions were justified at that time. However, she took the view that, once provisional compromises on these issues had been reached in the trilogue negotiations, the relevant parts of the documents should be disclosed.

In the course of the inquiry, the Council also identified three additional documents that it had shared with Parliament ahead of trilogue meetings. The Ombudsman proposed to the Council that it should disclose these three documents, and the Council accepted the proposal.

The Ombudsman considered that no further inquiries are justified and closed the case.