



## The European Commission's refusal to give full public access to documents concerning statistical data on pesticide active substances reported by Spain

**Case 1170/2021/OAM - Opened on 05/07/2021 - Decision on 01/03/2022 - Institution concerned** European Commission ( No maladministration found ) |

The complainant sought public access from the European Commission to documents concerning statistical data, reported by the Spanish authorities, on active substances in pesticides. The Commission granted access to only parts of the four documents it identified as falling under the request. It refused access to the rest, invoking exceptions under the EU's rules on public access to documents, and arguing that disclosing the redacted parts would undermine the commercial interests of companies from which the data was collected, and that the data was covered by the principle of confidentiality set out in the EU rules on statistic gathering.

Based on an inspection of the documents in question, the Ombudsman considered that the redacted information related to substances intended to be released into the environment. According to the EU rules on access to environmental information (the Aarhus Regulation) and related case-law, there is an overriding public interest in disclosing such information.

The Ombudsman questioned the Commission's position that the principle of statistical confidentiality prevails over the transparency of information relating to emissions into the environment. However, the Ombudsman took the view that these issues would be best addressed by the EU legislators which are currently revising the applicable legislation and therefore closed the inquiry, committing to bring the matter to their attention.