

Letter from the European Ombudsman to the European Commission on its refusal to grant full public access to documents related to meetings of the Comprehensive and Economic Trade Agreement (CETA) committees (GESTDEM 2020/7932)

Correspondence - 26/07/2021

Case 1264/2021/ABZ - **Opened on** 26/07/2021 - **Decision on** 22/02/2022 - **Institution concerned** European Commission (No maladministration found) |

Head of Unit - C2

Secretariat-General

European Commission

Dear Mr Y,

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

The complainant wishes to obtain access to *“all preparatory documentation-including briefing notes, emails and other internal correspondence as well as correspondence with stakeholders - regarding all meetings of the following CETA committees: (i) Committee on Agriculture and (ii) Committee on Geographical Indications”*.

The Commission identified six documents as falling within the scope of the request, with parts of documents 3 and 6 falling outside the scope of the request. It granted full access to document 3 and partial access to documents 1, 2, 4, 5 and 6, justifying its redactions based on the need to protect international relations [1] and the privacy and integrity of the individual [2] . The complainant considers that the Commission should grant full public access to the documents requested, except for when the redactions relate to the protection of the privacy and integrity of the individual.

We have decided to open an inquiry into the complaint against the Commission's decision to



grant only partial access to documents 1, 2, 4, 5 and 6 under Regulation 1049/2001.

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

As a first step, I consider it necessary to review the documents at issue in the complainant's request. I would be grateful if the Commission could provide copies of the documents, preferably in electronic format through encrypted e-mail, [3] **by Friday, 30 July 2021**.

The documents subject to the public access request will be treated confidentially, along with any other material the Commission chooses to share with us that it marks confidential. Documents 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 position has been set out in its confirmatory response of 20 April 2021. However, should the Commission wish to provide additional views, to be taken into account by the European Ombudsman during this inquiry, I would be grateful if they could be provided to me within fifteen working days from the receipt of this letter, that is, **by Friday, 13 August 2021**.

If you have any questions, please feel free to contact the case handler, Anna Barbara Zejc.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 26/07/2021

[1] Article 4(1)(a), third indent, of Regulation 1049/2001.

[2] Article 4(1)(b) of Regulation 1049/2001.

[3] Encrypted emails can be sent to our dedicated mailbox.