

The Council of the EU's refusal to give public access to documents concerning the ongoing negotiations on the taxation of digital services

Case 1703/2021/AMF - Opened on 30/09/2021 - Decision on 30/05/2022 - Institution concerned Council of the European Union (No maladministration found) |

The complainant requested that the Council of the EU grant public access to all documents it holds concerning its deliberations on draft legislation on the taxation of digital services and negotiations on the matter within the Organisation for Economic Cooperation and Development. The Council granted access to only parts of the documents it identified as falling under the request. In refusing access to the remaining documents, it invoked an exception provided for under the EU's rules on public access to documents, arguing that disclosing the documents could undermine ongoing decision-making processes.

Based on the inquiry and the Ombudsman's inspection of the documents, the Ombudsman concluded that the Council's decision to deny public access to the documents was justified at the time. Furthermore, while the inquiry was ongoing, the Council granted public access to five of the ten requested documents. The Ombudsman therefore closed the inquiry.