



The European Commission's refusal to grant public access to documents regarding the origin and amount of used cooking oil reported to the Commission by voluntary certification schemes under the Renewable Energy Directive

Case 1527/2020/DL - **Opened on** 24/09/2020 - **Recommendation on** 08/11/2021 - **Decision on** 14/03/2022 - **Institution concerned** European Commission (Maladministration found) |

The complainant sought public access from the European Commission to documents concerning EU imports of used cooking oil. Used cooking oil can be used as a component in biofuels and the Commission receives information on this from Member States under voluntary certification schemes, in accordance with the EU's Renewable Energy Directive. The Commission claimed it did not hold any document corresponding to the complainant's request. However, in the context of the inquiry, the Ombudsman found that the Commission held detailed information on used cooking oil imports, along the lines sought by the complainant. The Ombudsman therefore proposed as a solution that the Commission should review the documents it does hold containing this information with a view to disclosing them. The Commission did not accept this solution proposal. The Ombudsman found the Commission's refusal to take into account the complainant's clarifications and to review the documents in question amounted to maladministration. Given public concerns about the sustainability and environmental impact of used cooking oil imported to the EU, the Ombudsman considers that there is a clear public interest in transparency around this issue. She therefore issued a recommendation that the Commission review the documents it holds containing this information with a view to disclosing them. The Commission rejected the Ombudsman's recommendation. The Ombudsman therefore closed the case, confirming her finding of maladministration, and expressing regret that the Commission was unwilling to resolve the case in a citizen-friendly and service-minded way.