



Ombudsman calls for EU access to documents law to be modernised

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European Ombudsman Emily O'Reilly has called for the EU's access to documents law, which is twenty years old this year, to be updated to reflect the reality of modern communications.

Speaking at a conference she is hosting today on the future of Regulation 1049/2001, Ms O'Reilly emphasised the importance of the law for enabling the public to hold the EU account, and called for its modernisation:

" This cornerstone of EU transparency comes from a radically different era, predating many modern tools such as smartphones, instant messaging and big data. It needs to catch up with today's reality while maintaining its core strengths.

The law also needs to be aligned more closely with the citizen rights enshrined in the Lisbon Treaty, encourage greater pro-active transparency and take account of important case-law concerning transparent decision making.

This is a core issue of good governance. It is about keeping public institutions accountable throughout the entire chain of EU decision making. Whether it is about vaccine procurement, the EU recovery funds or legislative decision making in the Council, this transparency law is crucial for European citizens' rights," said the Ombudsman.

Transparency issues account for around one quarter of Ombudsman inquiries each year.

The Ombudsman has also today published a guide for the EU administration on how it can



better implement its obligations regarding the public's right to access documents.

The guidelines include the need for document publication and retention policies and for a 'public register of documents'. Annual statistics should also be published on how the institutions handle access to documents requests.

Background

The right to ask for EU documents is set out in the EU treaties and in the Charter of Fundamental Rights.

Under Regulation 1049/2001 , when an EU institution receives an access to documents request, it has 15 working days to respond. If the person is not happy with the response they can ask the institution to review the decision (by making a confirmatory application). The institution then has another 15 working days to answer.

Requests for access can be refused only for certain specific reasons - laid out in the Regulation.