Decision of the European Ombudsman on complaint 1542/2000/(PB)(SM)IJH against the Council

Decision
Case 1542/2000/(PB)(SM)IJH - **Opened on** 13/12/2000 - **Recommendation on** 13/12/2000 - **Special report on** 13/12/2000 - **Decision on** 21/07/2003

Strasbourg, 21 July 2003
Dear Mr V.,

On 25 November 2000, you made a complaint to the Ombudsman against the Council's refusal to grant you access to documents 8443/00 and 7594/00, containing opinions of the Council's Legal Service. The opinions concern, respectively, a judgement of the Court of First Instance and the Commission's proposal for a regulation on public access to European Parliament, Council and Commission documents.

On 12 December 2002, following an in-depth inquiry into your complaint, including a draft recommendation to the Council, the Ombudsman submitted a special report to the European Parliament, in accordance with Article 3 (7) of the Statute of the Ombudsman. The special report recommended that the Council should reconsider your application and give access to document 7594/00, unless one or more of the exceptions other than Article 4 (2), second indent of Regulation 1049/2001 applies. On the same day, the Ombudsman informed you by letter of the special report.

The Statute of the Ombudsman provides for the submission of a report to the European Parliament to be the final step in an inquiry by the Ombudsman.

On 10 June 2003, I informed the Committee on Petitions of the European Parliament that, subsequent to the special report, proceedings have been brought in the Court of First Instance (Case T-84/03, *Maurizio Turco v Council*) which raise the same issue of legal principle as the special report: that is to say, the correct interpretation of Regulation 1049/2001 as regards Legal Service opinions on draft legislation.

I understand that, in the light of this information, the Committee on Petitions has decided not to make a report on the Ombudsman's special report. I therefore close the file on the complaint.

Yours sincerely,

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P. Nikiforos DIAMANDOUROS