

The European Commission's failure to reply to take a final decision on two requests for access to documents concerning Germany's national plan under the Recovery and Resilience Facility

Case 187/2022/LDS - Opened on 02/02/2022 - Decision on 13/09/2022 - Institution concerned European Commission |

The complainant asked the European Commission to grant him public access to documents concerning Germany's recovery and resilience plan under the Recovery and Resilience Facility (RRF). The Commission identified over 200 documents as falling under the request and granted access to most of these documents in batches. However, it refused to disclose certain documents, invoking an exception under the EU's rules on public access to documents and arguing that disclosure could undermine financial, monetary or economic policy. The complainant asked the Commission to review its decision, but the Commission failed to take a decision on his request within the time limit set out under the applicable rules, which is considered to be an implicit negative decision.

The Ombudsman asked the Commission to take a decision on the confirmatory application without further delay. As the Commission did not do so within a reasonable timeframe, the Ombudsman sought to inspect the documents in question.