

How the European Commission dealt with a request for public access to documents related to the 'recovery and resilience plan' of France

Case opened

Case 658/2022/LDS - **Opened on** 29/03/2022 - **Decision on** 08/06/2022 - **Institution concerned** European Commission |

Head of Unit - C2

Ethics, Good Administration &

Relations with the European Ombudsman

European Commission

Dear Mr X,

We are contacting you about the Commission's failure to reply to the complainant's confirmatory application within the prescribed time limits set out in Article 8 of Regulation 1049/2001. The Commission had extended the time limit for its reply to 26 August 2021, and has not provided the complainant with a reply within the extended time limit. We asked the Commission on 29 March 2022 to reply to the complainant's confirmatory application and to inform us when it is done. We clarified that, as a first step, our inquiry was focused on securing the confirmatory decision on the complainant's request. However, we indicated that, should the delay persist, we might need to ask the Commission to share a copy of the relevant documents with us.

On 27 April 2022 we were informed that the reply to the confirmatory application was still being evaluated by the relevant Commission services and that the Commission could not provide an indication as to when the complainant would receive a reply.

On 4 May 2022 we, once more, called on the Commission to provide the complainant with a confirmatory reply swiftly and to inform our Office as soon as the confirmatory decision has been issued.



Regulation 1049/2001 states that applications for access should be handled promptly. It is in line with this principle that the Ombudsman also seeks to deal with cases such as this as quickly as possible.

Given the ongoing delay in replying to the complainant's confirmatory application, we now consider it necessary to examine the documents at issue in the complainant's request. I would therefore be grateful if the Commission could provide the Ombudsman with "*all documents regarding the interactions that the General secretariat had with the French government when working on the draft [recovery and resilience] plan*" for France and "*all documents regarding interactions between [French non-governmental stakeholders] and the Recover EU task force*". We would prefer to receive the documents in electronic format through encrypted e-mail, [1] by 18 May 2022.

The documents subject to the public access request will be treated confidentially, along with any other material the Commission chooses to share with us that it marks confidential. Documents of this kind will be handled and stored in line with this confidential status and will be deleted from the Ombudsman's files shortly after the inquiry has ended.

If the Commission wishes to provide additional views, to be taken into account by the European Ombudsman during this inquiry, we would be grateful if they could be provided to us within fifteen working days from the receipt of this letter, that is, 3 June 2022.

The inquiries officers responsible for the case are Ms Angela Marcos Figueruelo and Ms Leticia Díez Sánchez.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 11/05/2022

[1] Encrypted emails can be sent to our dedicated mailbox.