

The refusal by the Council of the EU to grant public access to documents concerning informal arrangements with non-EU countries about returning migrants (readmission agreements)

Case 815/2022/MIG - Opened on 02/05/2022 - Decision on 01/09/2022 - Institution concerned Council of the European Union (No maladministration found) |

The complainant asked the Council of the EU to grant public access to documents concerning informal arrangements with non-EU countries about returning migrants (readmission agreements). The Council refused access, invoking an exception under the EU legislation on public access to documents, and arguing that disclosure could undermine international relations.

The Ombudsman inquiry team inspected the documents at issue and obtained additional explanations from the Council, including confidential information. Based on this and considering the wide margin of discretion that EU institutions enjoy where they consider that the public interest as regards international relations is at risk, the Ombudsman found that the Council's decision to refuse access was not manifestly wrong. Given that the public interest at stake cannot be superseded by another public interest that is deemed more important, the Ombudsman closed the case finding no maladministration. That said, every effort should be made to reassure the public that the fundamental rights of migrants are respected and adequate safeguards are in place in this process.