

The European Commission's refusal to give public access to documents concerning the Swedish and the Danish national plans under the Recovery and Resilience Facility

Case 925/2022/LDS - Opened on 10/05/2022 - Decision on 29/11/2022 - Institution concerned European Commission (No further inquiries justified) |

The complainant sought public access from the European Commission to documents concerning the Swedish and the Danish national plans under the Recovery and Resilience Facility (RRF). The Commission identified 111 documents as falling under the request. It granted access to only parts of those documents. In refusing access, it invoked exceptions set out in the EU's legislation on public access to documents, arguing that disclosure could undermine an ongoing decision-making process and the economic policy of the EU and the Member States concerned.

The Ombudsman found that how the Commission assessed the two requests was not entirely satisfactory, in particular as it lacked adequate and convincing reasoning. She also considered that how it handled the two identical requests was contradictory. Against this background, the Ombudsman closed the case, suggesting that the Commission contact the complainant to establish if he still wants to pursue his request and, if so, to reassess the requests, given the Swedish plan has since been adopted. She also suggested that the Commission should take greater care in dealing with future public access requests concerning the negotiations on the Recovery and Resilience Plans and exchanges related to the Commission's evaluation of Member States' performance under the RRF, with a view to ensuring a consistent approach with clear explanations.