



## **The European Commission's refusal to give full public access to documents concerning a Horizon 2020 mineral exploration research project**

**Case 1132/2022/OAM - Opened on 16/06/2022 - Decision on 17/04/2023 - Institution concerned** European Commission ( No further inquiries justified ) |

**Case 1374/2022/OAM - Opened on 22/07/2022 - Decision on 17/04/2023 - Institution concerned** European Commission ( No further inquiries justified ) |

The complainant is an environmental non-governmental organisation that asked the European Commission to give public access to documents concerning a mineral exploration research project that received EU funds under the Horizon 2020 programme. The Commission identified five documents as falling under the scope of the complainant's request. It refused to disclose one document and granted partial access to four documents. In support of its decision, it invoked various exceptions under the EU's legislation on public access to documents, arguing that disclosure could undermine the commercial interests of a natural or legal person and the protection of personal data.

After reviewing the documents, the Ombudsman considered that they contain information that can be understood as being "environmental information" within the meaning of the EU Aarhus Regulation, which should benefit from greater transparency. She asked the Commission to



review its position with a view to granting the widest possible public access.

The Commission maintained its position [\[Link\]](#) that no further access can be granted. While the Ombudsman expressed regret with the Commission's decision not to disclose more parts of the documents at stake, she acknowledged that there is already information publicly available about the research project and, in particular, about the activities at the mine in question. In view of this, the Ombudsman considered [\[Link\]](#) that further inquiries into this matter are not justified.

However, she expressed concern about how the Commission deals with requests for access to documents containing environmental information. She emphasised that the exceptions to granting public access have to be interpreted in a restrictive way as regards environmental information and reminded the Commission that transparency in this area is crucial to enhance the legitimacy of, and public trust in, the EU's activities.