

Inspection request from the European Ombudsman to the European Commission on the time taken by the European Commission to deal with requests for public access to documents

Correspondence - 28/03/2023

Case OI/2/2022/OAM - **Opened on** 04/04/2022 - **Recommendation on** 21/09/2023 - **Special report on** 21/09/2023 - **Decision on** 18/09/2023 - **Institution concerned** European Commission (Maladministration found) |

Ms Ursula von der Leyen

President

European Commission

Dear President,

Thank you for the Commission's reply in this own-initiative inquiry, providing the statistical data requested as well as information on elements that might affect the time it takes the Commission to deal with requests for public access to documents.

As mentioned in my letter of 4 April 2022, it would be useful for my inquiry team to review a sample of Commission files. We have selected a number of files, based on the information provided by the Commission in its reply and on cases brought to our attention by complainants and other members of the public.

I would appreciate it, if the Commission could provide my Office with copies of the files listed below, preferably in electronic format through encrypted e-mail, [1] **by 10 October 2022** . [2]

a) 15 files from 2021 where the Commission and the applicant agreed on a 'fair solution' in accordance with Article 6(3) of Regulation 1049/2001 to narrow down the scope of the access request (including when this fair solution was agreed at the confirmatory stage).

b) 20 files from 2021 where the Commission issued a confirmatory decision within 30 working



days from the registration of the confirmatory application.

c) 20 files from 2021 where the Commission issued a confirmatory decision after the expiry of the 30-day time line and with a significant delay of several months.

d) In addition, the following specific files:

- Files GestDem 2020/7563 and GestDem 2021/2138,
- Files GestDem 2021/2211 and GestDem 2021/4394,
- File GestDem 2019/6819,
- File GestDem 2021/4558 and GestDem 2021/6192,
- File GestDem 2021/4641,
- Files GestDem 2021/3432 and GestDem 2021/4613,
- File GestDem 2021/3460,
- File GestDem 2021/2929, and
- File GestDem 2021/3384.

The files should include (i) the access requests concerned, at initial and confirmatory stage, (ii) all internal and external correspondence related to them, and (iii) the Commission's decisions taken at the initial and the confirmatory stage. Concerning the files listed under points a) to c) above, the relevant cases should be closed, that is the Commission should have already taken an explicit confirmatory decision.

In addition to providing copies of these files, we would appreciate it if the Commission could also reply to the following questions:

- a. How many of the applications for public access to documents received in 2021 concerned documents that had previously been disclosed? How many documents did this concern?
- b. Were there specific policy areas or topics that sparked particular interest by applicants in 2021?

I would be grateful to receive the Commission's reply **by 28 October 2022** .

If your staff require any clarification on this inspection request, they may contact Ms Michaela Gehring or Ms Tanja Ehnert.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 09/09/2022

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



[2] Information or documents that your institution considers to be confidential will not be disclosed to any person without the prior agreement of the Commission. Please clearly mark such material 'Confidential'. Information and documents of this kind will be deleted from the European Ombudsman's files shortly after the strategic inquiry has ended.