



## **The European Commission's refusal to give public access to the 'pillar assessment' of an international organisation that is carrying out EU-funded projects in the area of migration**

**Case 1731/2022/OAM - Opened on 28/09/2022 - Decision on 24/11/2023 - Institution concerned** European Commission ( Maladministration found ) |

The complainant, a journalist, asked the European Commission to grant public access to documents related to the 'pillar assessment' of an international organisation that is carrying out EU-funded projects in the area of migration. The Commission identified a number of documents as falling under the request and granted wide access to most of these, however it refused to disclose the actual 'pillar assessment' reports. In withholding access, the Commission invoked an exception under the EU legislation on public access to documents, arguing that disclosure could undermine the commercial interests of the organisation and of the author of the reports, as well as personal data.

The Ombudsman considered that large parts of the two reports in question do not contain commercial information. Regarding the remaining information, it was not obvious to the Ombudsman how much of this information could be reasonably regarded as sensitive. The Ombudsman [proposed as a solution \[Link\]](#) that the Commission should re-consider its decision with a view to granting the widest possible access. However, the [Commission maintained \[Link\]](#)



its previous position and provided further reasons for its refusal of public access.

The Ombudsman welcomed the [additional reasoning \[Link\]](#) provided by the Commission. However, she expressed regret that the reassessment did not lead the Commission to grant access to parts of the reports at issue. She maintained her view that, for large parts of the reports, no exception to public access could reasonably be invoked. It was therefore maladministration on the part of the Commission to refuse access to those parts of the reports.

As the Commission has now reassessed the matter and has come to the same conclusion it adopted in its confirmatory decision, namely that access to the two reports must be refused in their entirety, the Ombudsman saw no useful purpose in making a formal recommendation at this stage and [closed the case \[Link\]](#).