



## How the Council of the European Union handled a request for public access to the legal opinion on the proposed EU directive on adequate minimum wages

**Case 1834/2022/NH - Opened on 25/10/2022 - Recommendation on 04/04/2023 - Decision on 25/09/2023 - Institutions concerned** Council of the European Union ( Maladministration found ) | Council of the European Union ( Recommendation agreed by the institution ) |

The case concerned a request for public access to an opinion of the legal service of the Council of the EU on a draft law on adequate minimum wages.

The Council granted the complainant access to parts of the opinion in May 2021. It invoked two exceptions under the EU legislation on public access to documents to justify redacting the remaining parts of the document, arguing that full disclosure could undermine the decision-making process (since negotiations on the law were still ongoing at the time) and the protection of legal advice.

The Ombudsman found that the Council's refusal to grant full public access to the legal opinion at the time of the confirmatory decision constituted maladministration. She made a recommendation that the Council grant full public access to the opinion.

In reply to the Ombudsman's [recommendation \[Link\]](#), the Council disclosed the document.



However, it maintained its position that the document should not have been disclosed earlier and that its confirmatory decision was correct at the time it was adopted. The Ombudsman [closed the inquiry \[Link\]](#), confirming her finding of maladministration.

She called again on the Council to grant the widest possible access to legislative documents at a time that will allow the public to participate effectively in EU law making.