



How the European Commission dealt with a request for public access to documents concerning the adoption of EU rules on real driving emissions values

Case opened

Case 1920/2022/NH - **Opened on** 28/10/2022 - **Decision on** 22/03/2023 - **Institutions concerned** European Commission (No maladministration found) | European Commission (No further inquiries justified) |

European Commission

Dear Mr X,

The Ombudsman has received a complaint against the European Commission. The Ombudsman has asked me to deal with the case on her behalf.

The complaint concerns the Commission's decision to deny public access to the documents requested by the complainant under GESTDEM 2022/1730. It is a follow up to case 1594/2022/NH which concerned the Commission's failure to reply to the complainant's confirmatory application.

We have decided to open an inquiry into the complaint.

Regulation 1049/2001 states that applications for access should be handled promptly. It is in line with this principle that the Ombudsman also seeks to deal with cases such as this as quickly as possible.

As a first step, we consider it necessary to review the documents at issue in the complainant's request. I would be grateful if the Commission could provide the Ombudsman inquiry team with copies of the requested documents, preferably in electronic format through encrypted e-mail, [1] by 10 November 2022.

The documents subject to the public access request will be treated confidentially, along with any other material the Commission chooses to share with us that it marks confidential. Documents of this kind will be handled and stored in line with this confidential status and will be deleted from the Ombudsman's files shortly after the inquiry has ended.



The Commission's position has been set out in its confirmatory response. However, should the Commission wish to provide additional views, to be taken into account by the European Ombudsman during this inquiry, we would be grateful if they could be provided to us by 18 November 2022.

The inquiries officer responsible for the case, Mr Nicholas Hernanz.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 28/10/2022

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