



## 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** 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 ) |

The complainant, a journalist, asked the European Commission for public access to documents concerning the adoption of EU rules on real driving emissions values. The Commission identified five documents as falling under the request but refused to disclose them. In doing so, it invoked an exception under the EU's legislation on public access to documents, arguing that disclosure could undermine legal proceedings, as the matter had previously been subject to court proceedings and could be in the future.

The Ombudsman found that the Commission's refusal to grant access to four of the five requested documents was reasonable, because the documents contained legal advice on court proceedings and the matter could likely be subject to court proceedings in the future. She considered that the fifth document, an official decision to appeal to the Court, could be made public. As this document was not the main focus of the complainant, the Ombudsman decided to [close the inquiry \[Link\]](#) without making a recommendation. However, she urged the Commission to review the document again and reconsider its decision to refuse access.

