



The European Commission's refusal to give public access to documents concerning the energy consumption and greenhouse gas emissions of the ceramics industry reported under the EU's emissions trading system

Case 2000/2022/PVV - Opened on 15/11/2022 - Decision on 19/12/2023 - Institution concerned European Commission (Maladministration found) |

The case concerned a request for public access to documents concerning the energy consumption and greenhouse gas emissions of the ceramics industry reported under the EU's emissions trading system. The Commission identified 25 documents as falling within the scope of the request but refused access to all but one of the documents. In refusing access, the Commission invoked one of the exceptions under the EU legislation on public access to documents, arguing that disclosure would undermine the protection of commercial interests of the ceramics manufacturers concerned.

The Ombudsman took the view that the information contained in the documents appeared to concern emissions into the environment, for which an overriding public interest in disclosure is deemed to apply under EU law. The Ombudsman thus made a [proposal for a solution \[Link\]](#) that the Commission re-examine the documents at issue with a view to granting the complainant significantly increased public access. However, the Commission [did not grant wider access](#)



[Link] to the documents in question.

As the Commission reassessed the matter following the Ombudsman's solution proposal and confirmed its decision not to disclose the documents, the Ombudsman saw no useful purpose in making a recommendation. She therefore [closed the case \[Link\]](#) with a finding of maladministration.