



## The European Commission's refusal to give full public access to declarations of interests by the members of its Regulatory Scrutiny Board

**Case 74/2023/MIK - Opened on 17/01/2023 - Decision on 02/10/2023 - Institution concerned** European Commission ( Solution achieved ) |

The complainant, a journalist, asked the European Commission to grant public access to all declarations of interests of current and past members of its Regulatory Scrutiny Board, which is an independent body that provides advice to the College of Commissioners. The Commission provided access to parts of six such declarations, but redacted information about the potential conflicts of interest identified in the declarations. In doing so, it argued that those parts of the declarations fell outside the scope of the request and it also invoked an exception under the EU legislation on public access to documents, arguing that disclosure could undermine the privacy of the individuals concerned.

The Ombudsman found that it was reasonable of the Commission to consider the requested information to be personal data, and that the complainant had failed to explain satisfactorily why disclosing this data was in the public interest.

However, in the context of the inquiry, the Ombudsman found that five out of six members declared no interests whatsoever. As such, the Ombudsman made a solution proposal that the



Commission inform the complainant about this to address his concerns about the independence of Regulatory Scrutiny Board. The Commission accepted this proposal. The Ombudsman therefore considered the case to be settled.

Nonetheless, the Ombudsman noted that similar declarations of interest submitted by experts working for the Commission or EU agencies, as well as the declarations of interest made by members of agency management boards, are often published proactively. Considering a recent public debate about the role and independence of the Regulatory Scrutiny Board, the Ombudsman [made a suggestion \[Link\]](#) that the Commission publish proactively the declarations of interest of the members of the Regulatory Scrutiny Board.