



Ombudsman asks Commission to deal urgently with systemic delays in processing public access to documents requests

News - 28/03/2023

The Ombudsman has asked the Commission to deal urgently with the systemic delays in its handling of access to document requests, noting that a fundamental rethink is needed so that deadlines set out in the EU transparency regulation are adhered to.

The Ombudsman's own initiative inquiry found that when people ask the Commission to review its initial access decision—because it refused or granted only partial access to the requested documents—the transparency regulation ([1049/2001 \[Link\]](#)) deadlines are missed in 85% of cases.

Over 60% of such review decisions took more than 60 working days, despite a maximum time limit of 30 working days.

The Ombudsman acknowledged the increasing number and complexity of requests—over 8000 in 2021—that the Commission is handling, with requesters pursuing fewer than 10 percent of negative decisions.

However, the Ombudsman's experience with handling complaints about access to documents is that long delays frequently occur in cases that are of significant public interest.



The effect of such delays in some instances is to render the information obtained no longer useful for research or journalistic purposes. The delays may also prevent citizens from having their say at relevant times in decision making.

It took the Commission almost seven months to review its initial findings in an access case concerning documents related to Poland's national plan under the Recovery and Resilience Facility.

A journalist received documents concerning the Commission's purchase of below-standard medical masks nearly two years after the initial request, while an access request concerning a work-related trip by a Commissioner took the Commission a total of 14 months to deal with.

The Ombudsman's inquiry found that the systemic and significant delays in dealing with access requests amounted to maladministration.

Noting that 'access delayed is access denied', the Ombudsman's findings also refer to the possibility that the lengthy delays may deter people from making access to document requests.

The Ombudsman suggested that the Commission dedicate more resources to dealing with confirmatory requests, engage constructively and openly with people requesting documents, and anticipate public-interest topics so it can be proactively transparent.

The findings noted that these proposals will only go so far in reducing the delays as a more fundamental change is required on the part of the Commission.

Under Regulation 1049/2001, the EU institutions are meant to take a decision, at initial and review stage, within a maximum of 30 working days. See the [full Recommendation here \[Link\]](#).