

Ombudsman asks Parliament to act after Commission continues to refuse access to information in UK beer case - Special Report concludes that the European Commission is misinterpreting data protection rules in refusing Ombudsman's Draft Recommendation

Press release no. 18/2000 - 01/12/2000

The European Ombudsman, **Mr Jacob Söderman**, has presented a Special Report to the European Parliament after the European Commission refused to provide a UK citizen with the information that he requested. The Ombudsman's Special Report counters the Commission's argument that the EU Data Protection Directive prevents it from providing the information. The Ombudsman suggests that the Parliament consider adopting his Recommendation as a Resolution.

In July 1998, the complainant contacted the Ombudsman on behalf of the Bavarian Lager Company, which imports German beer into the United Kingdom. The complainant had difficulty in selling his product because of exclusive purchasing agreements, which require many pubs in the UK to obtain their supplies of beer from particular UK breweries. The complainant had been in contact with the Commission about the issue and had requested that it provide him with the names of companies and persons who had made submissions and attended a meeting regarding the UK Guest Beer Provision. The Commission refused the request for information.

The Commission claimed that the EU Data Protection Directive required it to keep the names requested secret unless the persons concerned agree to their identities being revealed. The Ombudsman rejected this argument for two main reasons: firstly, the Directive is drafted in such a way as to support the openness of EU decision-making. Secondly, the Data Protection Directive is designed to protect fundamental rights. Providing information to an administrative body in secret is not a fundamental right.

The Ombudsman therefore made a Draft Recommendation to the Commission in April 2000, which stated that the complainant should be provided with the information requested.

Although the Commission did eventually provide most of the requested names, it still withheld those where the persons concerned had refused permission for disclosure. The Ombudsman has therefore found it necessary to make a Special Report to the European Parliament. He hopes that the Parliament will now take the necessary initiative to ensure full openness in this case.



The full text of the Special Report is available in 11 languages on the European Ombudsman's Website:

<http://www.ombudsman.europa.eu/cases/specialreport.faces> [Link]

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