

Ombudsman calls on Commission to reconsider refusal of access to Transatlantic Business Dialogue documents

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The European Ombudsman, Jacob Söderman, has called on the European Commission to reconsider its refusal to give access to the briefing notes of its delegations to two meetings of the Transatlantic Business Dialogue (TABD) (1) . This re-examination should be based on the new rules on access to documents that came into force in December 2001 and should consider partial access to the documents. The Ombudsman has given the Commission until 31 October 2002 to respond.

The documents were requested on behalf of Corporate Observatory Europe, a Netherlands-based non-governmental organisation. According to the citizen who turned to the Ombudsman after his request for the documents was refused, "the briefing notes are the only way to shed light effectively on the nature of the relationship between the Commission and the TABD".

The Ombudsman finds that the Commission has failed to show that it struck a genuine balance between the interest of the citizen in obtaining access to the documents and its own well-founded interest in confidentiality. He does not accept the Commission's argument that there is no real public interest in disclosure, stating that it is not for the Commission to say which documents might or might not be useful to citizens in monitoring the Commission's exercise of its powers.

Moreover, the Commission does not show that it has genuinely considered whether disclosure is likely to damage the public interest as regards international relations. Although it claims that disclosure would harm relations with the US because personal views from Commission staff could mistakenly be considered as reflecting the views of the Commission, it provides no evidence to show any likelihood that the US authorities would make such a mistake.

The Ombudsman's Draft Recommendation can be found on his website at:
<http://www.ombudsman.europa.eu/recommen/en/011128.htm>



For further information, please call Mr. Ian Harden, Head of the Legal Department, tel:+33 (0) 3 88 17 23 84.

(1) The TABD's own website describes the TABD as "an informal process whereby European and American companies and business associations develop joint EU-US trade policy recommendations, working together with the European Commission and US Administration".