

Decision of the European Ombudsman closing the inquiry into complaint 122/2014/PMC against the Committee of the Regions

Decision

Case 122/2014/PMC - **Opened on** 27/01/2014 - **Decision on** 19/02/2015 - **Institution concerned** European Committee of the Regions (Friendly solution) |

The case concerned the handling by the Committee of the Regions of a request for access to documents. The European Ombudsman found that it was likely that more documents falling within the scope of the request existed. She therefore proposed to the Committee to check whether further documents could be disclosed. The Committee accepted the Ombudsman's proposal and disclosed additional documents, thereby resolving the case.

The background

1. The case concerns a request for public access to documents held by the Committee of the Regions relating to correspondence regarding an association (hereinafter 'the association'). The European Commission had decided to abandon a claim vis-à-vis the association, because the latter had been liquidated. According to the complainant, a top official of the Committee had been the president of the association.
2. The complainant turned to the Ombudsman alleging that the Committee of the Regions had failed to reply to his request for access to documents. He claimed that the Committee should disclose the requested documents.
3. During the course of the inquiry into the complainant's allegation and claim, the Ombudsman received the Committee's opinion on the complaint and, subsequently, the complainant's observations on that opinion. The Ombudsman then proceeded to proposing a solution to the matter brought before her.

Alleged failure to reply to the complainant's access request



The Ombudsman's proposed solution

4. During the course of the Ombudsman's inquiry, the Committee replied to the complainant's access request. Consequently, the Ombudsman concluded that, following her intervention, the complainant's allegation that the Committee had failed to reply to his access request had been settled.

5. In respect of the Committee's substantive answer to the access request, the Ombudsman noted the following. The Committee provided access to a letter from the top official of the Committee to the Commission regarding the matter, expunged of personal data. As regards the complainant's request for access to internal documents that the Committee had prepared in relation to a letter that he sent to it on 25 May 2013 on the matter, the Committee stated that no such *official* internal correspondence existed. The Ombudsman considered that this could indeed, as the complainant pointed out in his observations, imply that internal documents, not considered by the Committee to be 'official', existed. The Ombudsman even found it likely that internal documents covered by the complainant's access request did exist.

6. The Ombudsman, therefore, made the following proposal for a solution, taking into account the arguments and opinions put forward by the parties [1] : "*Taking into account the above findings, the Ombudsman proposes that, within 15 working days of the date of this proposal, that is the time-limit foreseen by Regulation 1049/2001 for the processing of confirmatory applications, the Committee of the Regions carefully check whether further internal documents covered by the complainant's access request exist and, if so, decide on whether access can be granted, in line with the applicable rules on access to documents.*"

7. The Committee accepted the Ombudsman's proposed solution and disclosed the exchange of emails between its internal services concerning the processing of the complainant's letter dated 25 May 2013. The complainant informed the Ombudsman that he had no further comments concerning the matter.

The Ombudsman's assessment after the proposed solution

9. The Ombudsman welcomes the Committee's constructive approach and readiness to accept her proposal. Since the Committee has taken steps to resolve the matter, the Ombudsman closes the case.

Conclusion

On the basis of the inquiry into this complaint, the Ombudsman closes it with the following conclusion:

The Committee of the Regions has accepted the solution proposed by the Ombudsman. The case has therefore been resolved.



The complainant and the Committee will be informed of this decision.

Emily O'Reilly

Strasbourg, 19/02/2015

[1] For further information on the background to the complaint, the parties' arguments and the Ombudsman's inquiry, please refer to the full text of the Ombudsman's solution proposal available at:

<http://www.ombudsman.europa.eu/cases/correspondence.faces/en/58976/html.bookmark> [Link].