

Ombudsman asks Commission to grant access to environmental compliance studies

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The European Ombudsman, **Jacob Söderman**, has asked the European Commission to reconsider its refusal to give Friends of the Earth (FoE) access to two environmental studies. The studies concern the UK and Gibraltar's compliance with several environmental directives. The Ombudsman has given the Commission until 30 June 2001 to respond to his recommendation.

The two reports in question were prepared by an independent consultant and concern compliance with the directives on waste and hazardous waste by the UK and Gibraltar, as well as compliance with the Habitats Directive. The Commission refused to grant FoE full access to the two studies, referring in justification to the exception involving the protection of the public interest (inspections and investigations) provided for in the Code of Conduct on Public Access to Commission documents. The institution argued that the studies were relevant for future infringement proceedings and therefore agreed to release only selected parts of them.

The Ombudsman considers that the Commission has used too broad an interpretation of the exception based on inspections and investigations. This exception should be applied only when the requested documents have been drawn up in the course of an investigation connected to an infringement proceeding. The two reports in question were commissioned prior to any investigation, with a view to considering the options available. The Ombudsman has therefore concluded that the Commission wrongly refused access to the documents requested by FoE.

The Commission has until 30 June 2001 to respond to the Ombudsman's recommendation that it should grant full access to both reports.

The Draft Recommendation can be found on the Internet at:

<http://www.ombudsman.europa.eu/recommen/en/000271.htm> [Link]

For further information, please call José Martínez-Aragón, Principal Legal Adviser, tel. +33 (0) 3 88 17 24 01.