

A Bűnüldözési Együttműködés Európai Unió Ügynökségének (Europol) nyilvános dokumentumtárára vonatkozó 2272/2019/MIG sz. ügyben hozott határozat

Határozat

Ügy 2272/2019/MIG - Vizsgálat megindítása 12/03/2020 - Határozat 04/02/2021 - Érintett intézmények A Bűnüldözési Együttműködés Európai Unió Ügynöksége (Megvalósított megoldás) |

A panaszos ügy ítélte meg, hogy a Bűnüldözési Együttműködés Európai Unió Ügynökségének (Europol) nyilvános dokumentumtára nem felel meg a dokumentumokhoz való nyilvános hozzáférésre vonatkozó uniós szabályoknak.

Az ombudsman elismerte az Europolnak a dokumentumtár létrehozásával kapcsolatos múltbeli erőfeszítéseit és tudomásul vette annak sajátos jellemzőit, azonban látott még teret a javulásra. Ezért azt javasolta, hogy az Europol bizonyos elveknek megfelelően aktualizálja dokumentumtárát.

Az Europol egyetértett az ombudsman javaslatával és vállalta, hogy konkrét lépéseket tesz a javaslat rövid- és középtávú végrehajtása érdekében. Az ombudsman üdvözölte az Europol azon döntését, hogy elfogadta a megoldási javaslatát, és lezárta a vizsgálatot.

Background to the complaint

1. EU rules on public access to documents [1] require EU institutions to maintain a register of publicly accessible documents. [2]
2. The complainant, a non-profit organisation, considered that Europol does not comply with its obligations under these rules. It contacted Europol, asking it to establish a comprehensive public register of documents.
3. Europol replied to the complainant, referring to its dedicated webpage [3] on which it makes many documents proactively available.
4. The complainant maintained that Europol's register of documents was not in line with the



applicable rules, and, in December 2019, turned to the Ombudsman.

5. In the course of the inquiry, the Ombudsman's inquiry team met with Europol representatives to discuss the issues raised by the complainant. The Ombudsman then made a proposal for a solution.

The Ombudsman's proposal for a solution

6. The Ombudsman took note of Europol's past efforts towards establishing a register of documents, as well as the agency's distinct characteristics. However, she considered that the EU institutions should apply certain principles to their registers of documents, to ensure good administrative practice and that their register is adequate.

7. First, the Ombudsman took the view that the register should be user-friendly . It should be as easy as possible for individuals to navigate through the register and to identify specific documents they may want to access. This includes having a dedicated webpage for the register.

8. Second, the Ombudsman considered that the register should be complete , meaning that all documents concerning the institution's core activities should be recorded individually. In addition, the register should at least refer to the existence of other types of documents not listed. This also implies that no documents should be excluded from the register automatically.

9. Third, the Ombudsman found that the register should be maintained in a timely manner , requiring updates on a very regular basis.

10. The Ombudsman therefore made the following proposal for a solution:

11. Europol should update its register of documents, taking into account the principles of good administrative practice set out in the proposal for a solution. [4]

12. In light of the Ombudsman's proposal, Europol has committed to take concrete steps to update its register of documents in the short and medium term, some of which it has already implemented. [5]

13. To make its public register more user-friendly, Europol has improved the register's accessibility and introduced a search tool.

14. In addition, Europol will provide a list of all documents governing its activities and publish proactively more documents in future, including such documents that it discloses to applicants in reply to requests for public access.

15. Documents that Europol disclosed following access requests in the past will be gradually added to the register, starting with the most recently disclosed documents.



16. Europol expects to finalise updating its register of documents in autumn 2021.

17. The complainant welcomed the Ombudsman's proposal as well as Europol's reply and stressed the importance of a complete register of documents, given its purpose to facilitate the public's right of access to documents.

The Ombudsman's assessment after the proposal for a solution

18. The Ombudsman considers that Europol has followed her proposal for a solution by taking the measures outlined above, and setting out further steps that it will take to establish a comprehensive register of documents.

19. The Ombudsman welcomes Europol's positive response to her solution and considers that the complaint has been resolved.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

The European Union Agency for Law Enforcement Cooperation has accepted the Ombudsman's proposal for a solution to update its public register of documents.

The complainant and Europol will be informed of this decision .

Emily O'Reilly European Ombudsman

Strasbourg, 04/02/2021

[1] Regulation 1049/2001 regarding public access to European Parliament, Council and Commission

documents:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001R1049&from=EN> [Link],

applicable to Europol pursuant to Article 65 of Regulation 2016/794 on Europol:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0794&from=EN> [Link].



[2] Pursuant to Article 11 of Regulation 1049/2001.

[3] See: <https://www.europol.europa.eu/publications-documents> [Link].

[4] The full text of the Ombudsman's proposal for a solution is available at:
<https://www.ombudsman.europa.eu/en/solution/en/136602> [Link].

[5] The full text of Europol's reply to the Ombudsman's proposal for a solution is available at:
<https://www.ombudsman.europa.eu/en/correspondence/en/136603> [Link].