



P. NIKIFOROS DIAMANDOUROS

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Ombudsman warns that citizens' right of access to documents is at risk

The European Ombudsman, **P. Nikiforos Diamandouros**, has called on the European Parliament (EP) to defend the European Union's commitment to transparency and the citizens' right of access to EU documents. This follows the European Commission's recent proposals to revise the law on public access to documents. In his contribution to today's public hearing in the EP's LIBE Committee (Civil Liberties, Justice and Home Affairs), the Ombudsman said:

"The Commission's proposals would mean access to fewer, not more, documents. This raises fundamental issues of principle about the EU's commitment to openness and transparency."

He invited the EP to actively use its role as co-legislator to ensure a successful reform of the current rules.

In 2007, more than a quarter of the Ombudsman's investigations concerned lack of transparency in the EU administration, including the refusal to disclose documents or information.

Commission's proposals mean access to fewer, not more, documents

The Ombudsman warned that "the Commission's proposals not only ignore the lessons of the past, but also the new promises to citizens, civil society and representative associations made in the Treaty of Lisbon." While there are some positive elements, such as making documents available to non-citizens and non-residents of the EU, many of the Commission's proposals would narrow the right of access to EU documents:

- The Commission's proposed definition of a document would mean that, in many cases, citizens could only apply for access to a document if it appeared in a register. The Ombudsman considers this a "step backwards for transparency".
- The overall effect of the proposed revisions would be that the Commission could share documents informally with a limited number of favoured external recipients of its choice, without having to give public access to them.

The Ombudsman also finds the Commission's interpretation of the case law of the Community courts to be contestable as regards both public access to documents of the Member States and the relationship between public access rules and data protection.

In the light of his experience in dealing with complaints in this area, the Ombudsman signalled his availability to assist in efforts designed to improve the practical operation of the access to document rules. He could, for example, play a role that would be helpful both to applicants and the institutions by giving independent advice on whether disclosure of a document would be likely to cause harm and whether there is an overriding public interest in disclosure.

To read the full contribution of the Ombudsman, please go to:
<http://www.ombudsman.europa.eu/letters/en/20080526-1.htm>

The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration. For more information: <http://www.ombudsman.europa.eu>

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