



P. NIKIFOROS DIAMANDOUROS

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Ombudsman criticises Commission for inadequate register of documents

The European Ombudsman, **P. Nikiforos Diamandouros**, has urged the European Commission to set up a comprehensive register of the documents it produces or receives. This follows a complaint from the British NGO, *Statewatch*, about the Commission's failure to register the vast majority of its documents. According to the Commission, the establishment of a comprehensive register is impossible at this point in time, mainly because of the use of incompatible registers in its different departments. The Ombudsman was unconvinced. He considered the Commission's failure to comply with the legal obligation to establish such a register to constitute maladministration.

Mr Diamandouros said: "The European Parliament and the Council have set up satisfactory registers. I, therefore, see no reason why the Commission should not be able to do so. In the current debate on the reform of access to document rules, I called for clearer guidelines on what registers should contain. Unfortunately, the Commission has chosen instead to propose a narrower definition of what a document is. In my view, this will lead to fewer rather than more EU documents being accessible to the public."

Background

EU legislation on public access to EU documents requires the EU institutions to set up public registers of the documents they receive and produce. These registers should have been in place by 2002.

In October 2006, the British NGO, *Statewatch*, turned to the Ombudsman, pointing out that the Commission had failed to comply with its legal obligation. According to the complainant, the Commission's register only contained legislative texts and Commission's reports that had already been adopted. The vast majority of documents were missing.

The Commission argued that the relevant legislation did not oblige the institutions to list all their documents. Furthermore, it was impossible to set up a comprehensive register because of the use of incompatible registers in its different departments. The Commission announced, however, its intention to launch a new centralised system by 2010.

The Ombudsman was not convinced. In his view, the Commission had had enough time since 2002 to establish its register. And even a new centralised system was no guarantee of comprehensiveness, he said.

To read the full decision, please go to:

<http://www.ombudsman.europa.eu/cases/decision.faces/en/3728/html.bookmark>

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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