

Statewatch complaint against Europol, filed with the European Ombudsman on 16 December 2019

Against which European Union (EU) institution or body do you wish to complain?

European Union Agency for Law Enforcement Cooperation

What is the decision or matter about which you complain? When did you become aware of it? Add annexes if necessary.

The European Union Agency for Law Enforcement Cooperation (Europol) is failing to maintain a register of documents, as required by Regulation 1049/2001 and its own Management Board Decision implementing that legislation.

Article 9 of Europol's Management Board Decision reflects Article 9 of the Regulation, stating that: "A public register of documents shall be established by the Executive Director to allow citizens to exercise their rights under Regulation (EC) No 1049/2001. References to those documents shall be made in a manner which does not undermine the protection of the interests set out in Article 4."

In 2013, in response to an Ombudsman inquiry (OI/9/2012/OV), the agency said it would "establish a register of publicly accessible documents... by the end of 2013." While Europol clearly makes public some documents it produces, it cannot be considered to maintain a comprehensive public register of documents.

Statewatch submitted a complaint to Europol earlier this year raising this and a number of other matters. Following correspondence with the agency, we consider that it is failing to meet its obligations.

What do you consider that the EU institution or body has done wrong?

Failed to establish and maintain a public register of documents as required by Regulation 1049/2001 and the Management Board Decision laying down the rules for applying Regulation 1049/2001.

What, in your view, should the institution or body do to put things right?

Establish a public register of documents as required by Regulation 1049/2001 and the Management Board Decision laying down the rules for applying Regulation 1049/2001.

Have you already contacted the EU institution or body concerned in order to obtain redress?

Yes (please specify and submit copies of the relevant correspondence)

See attachments.

If the complaint concerns work relationships with the EU institutions and bodies: have you used all the possibilities for internal administrative requests and complaints provided for in the Staff Regulations? If so, have the time limits for replies by the institutions already expired?

Not applicable