



P. NIKIFOROS DIAMANDOUROS

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## Ombudsman criticises Commission for late publication of access to documents report

The European Ombudsman, **P. Nikiforos Diamandouros**, has criticised the European Commission for its failure to publish, in 2006 as required by law, its annual report 2005 on access to European Parliament, Council and Commission documents. This followed a complaint from the NGO *Statewatch*. While recognizing that, in September 2007, the Commission finally published the report in question, Mr. Diamandouros said: "The timely publication of reports is a key mechanism of accountability to European citizens. The Commission should set a good example, especially to the many new EU agencies, by giving high priority to ensuring the publication of such reports on time".

### The case

In February 2007, *Statewatch* complained to the Ombudsman that the Commission had failed to publish its annual report for 2005 as required by Article 17(1) of Regulation 1049/2001 on access to European Parliament, Council and Commission documents. According to the complainant, the annual report is the only way for citizens to be informed about the number of cases in which the Commission refused access to documents, the reasons for such refusals and the number of sensitive documents not registered. *Statewatch* claimed that the failure to publish the report on time was a clear case of maladministration.

The Commission stated in its opinion that it was well aware of the obligation to publish an annual report on time. However, the drafting of the report had been delayed because of a major turnover of staff in the service dealing with access to document issues. Furthermore, priority had been given to the launching of the public consultation on the review of the access to documents regulation.

In the Ombudsman's view, the Commission's arguments did not justify its failure to comply with a clear legal obligation. He concluded that the Commission's failure to publish the 2005 report before the end of 2006 constituted an instance of maladministration.

To read the full text of the decision, please visit:

*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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