



European Ombudsman

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European Ombudsman

Access Info Europe and Transparency
International EU

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Dear Access Info Europe and Transparency International EU,

On 11 July 2013, you made a request for information about access to documents requests received by the office of the European Ombudsman in the calendar years 2011 and 2012. You included a number of specific questions.

On 18 July 2013, my Head of Registry informed you that we do not produce and keep any internal reports with information corresponding to your questions. He added the expectation that we could send you a detailed reply by late August or early September 2013.

In the attached excel tables, which we have produced specifically in response to your request, you will find detailed information about requests for public access to documents in the above-mentioned period. The content of the tables requires the following explanations.

In the period concerned, the European Ombudsman received few requests for public access to documents that could be registered as applications under Regulation 1049/2001. The likely reason for this is that the core business of the Office, which is the handling of cases, is not covered by that Regulation. Requests for public access to documents are instead handled in accordance with the European Ombudsman's Statute and the Implementing Provisions. I had the occasion to explain the distinction in a very recent reply to an applicant who had sought access through the site www.asktheu.org:

<http://www.asktheu.org/en/request/583/response/2224/attach/html/4/Zois%20Zervos%20holding%20reply250713.pdf.html>

The handling of requests for public access to case related documents has accordingly taken place within the framework laid down in the Office's Implementing Provisions, and not within the framework of substantive and procedural rules in Regulation 1049/2001. This explains, among others, why the relevant attached excel document does not contain information in relation to 'confirmatory applications', a procedure not foreseen in the Implementing Provisions.

With regard to the requests for documents that do not concern case files, their low number, and the fact that the Ombudsman himself would sign all initial decisions responding to requests, has so far led to a pragmatic approach



For your information, the European Ombudsman is currently studying the possibility of introducing a new procedural framework for handling all requests for public access to information and documents. This development is related to, among others, to the intention to designate the Head of Registry as *Information Officer* with the function of specifically handling requests for public access to information and documents.

You may also wish to note that the European Ombudsman is currently taking measures with a view to introducing an online public register of documents.

In addition to the above information, you should note the following specific points in relation to the content of the attached excel tables.

First, the tables do not include requests for access to documents that our Office simply does not have in its possession. It did not appear useful to include information about such requests. However, requests for access to online published documents of *case files* (mainly decisions) have been included. Related to these comments is the obvious observation that, like other organisations, we regularly receive requests for copies of our publications or for various documents that are readily available on our website. I hope it goes without saying that we do not formally register such requests as requests/'applications' for public access to documents under Regulation 1049/2001 or the Implementing Provisions.

Second, you will note that a high number of requests are basically identical: the "mass"-requests for access to the file of complaint 0875/2001/JF, which appear to have been part of a campaign by a motorcyclists organisation in relation to the regulation of motorcycle safety in the European Union. These requests are also an example of a certain difficulty in classification - the individual requesters were clearly 'individuals', but they could of course also, depending on the relevant methodology, be classified as a concerned group of citizens (civil society).

If you have any questions or comments related to the content of the tables, please do not hesitate to contact us again.

Yours sincerely,

P. Nikiforos Diamandouros

Enclosure:

2 excel tables