

Resolution on the time the European Commission takes to deal with requests for public access to documents

2023/2941(RSP) - 14/03/2024 - Text adopted by Parliament, single reading

The European Parliament adopted by 535 votes to 1, with 1 abstention, a resolution on the time the European Commission takes to deal with requests for public access to documents.

Stressing the need to ensure that citizens are able to follow, understand and participate in the EU's decision-making processes, the resolution emphasises that the Commission, as the largest EU institution, should lead by example when it comes to access to documents.

Numerous complaints received by the Ombudsman reveal that there have been significant delays before the Commission has decided on requests for public access to documents and has failed to comply with the time limits laid down by the relevant legislation. However, the Commission's response suggests that it processes access-to-document requests without any major issues.

Access to the Commission's documents

Members recognised that work-related text and instant messages are 'documents' within the meaning of Regulation (EC) No 1049/2001 on public access to documents and invited the other EU institutions, bodies, offices and agencies to recognise this.

Parliament recalled that an application for access to a document must be handled promptly. It reiterated its concern that many of the complaints received by the Ombudsman are about delays in gaining access to requested documents and that the delayed access occurs in cases of significant public interest. It deeply regretted the findings in the Ombudsman's special report of systemic and significant delays in access to Commission documents, in particular the fact that, in 85 % of the reviewed cases, the Commission did not take a decision within the legal time limits and that, in 60 % of the cases, the delay amounted to more than 60 working days.

Parliament recalled with great concern that, in 2021, following a request for public access to text messages between Commission President Ursula von der Leyen and the CEO of a pharmaceutical company regarding the Commission's purchase of COVID-19 vaccines, the Commission refused to acknowledge that such text messages fall within the definition of a 'document' under Regulation (EC) No 1049/2001. It recalled that the registration of a document is a consequence of, not a prerequisite for, that document's existence. Parliament takes note of the Ombudsman's finding of **maladministration** by the Commission in this case.

Parliament is convinced that the proactive publication of documents in the **register** is the best solution to lower the number of access-to-documents requests and to avoid delays. It stressed that a more proactive approach would help ensure effective transparency and prevent unnecessary legal disputes that could result in unnecessary costs and burdens for both citizens and the EU institutions.

Recommendations

Parliament urged the Commission to correct its systematic and significant delays in processing requests for public access to documents and requested the immediate and full publication of all contracts for the purchase of COVID-19 vaccines financed wholly or partially with public funds.

Moreover, the Commission is also called on to:

- reform its management of public access to documents in order to tackle the major issue of delays and its failure to respect time limits set out by the relevant legislation;
- be proactive in publishing documents and statistics on how it handles document-access requests, including information on compliance with the deadlines set by EU law, as such information is vital to strengthening the EU's democratic processes;
- immediately **publish the text messages** that the President of the Commission and the CEO of the pharmaceutical company Pfizer exchanged during the negotiations on the procurement of 1.8 billion doses of COVID-19 vaccines, particularly in the light of the unexplained 25 % increase of the price per dose, which resulted in a total cost of EUR 35 billion in public money;
- inform Parliament about how it plans to comply with the time limits laid down in the relevant EU legislation.

Members stressed that, if the Commission does not address the systematic and significant delays in its processing of requests for public access to documents by the time the new College of Commissioners is established, Parliament will consider using all available parliamentary instruments to address the matter.