



EUROPEAN COMMISSION

Ursula von der Leyen
The President

Brussels, 15. 10. 2021
Ares (2021) 5378760

Dear Ombudsman,

I am writing in reply to your letter of 23 August 2021 regarding Case 1410/2021/MIG - How the European Commission dealt with a request for public access to documents concerning Germany's recovery and resilience plan under the Recovery and Resilience Facility (RRF)¹.

I welcome your assessment that the complaint made by the requestor is premature and that the Commission has been dealing with the request in a reasonable manner.

As you note, the Commission has already made extensive material about the RRF proactively available and we remain fully committed to ensuring the access to documents rights of EU citizens on a topic that is of significant public interest. The publication of the Recovery and Resilience Plans by Member States, of the Commission proposals for the Council Implementing Decisions and of the Staff Working Documents covering the Commission's analysis of the Recovery and Resilience Plans contribute to this objective. You can also rest assured that we endeavour to safeguard that access to documents rights are exercised within the strict deadlines provided by Regulation (EC) No 1049/2001. I therefore also want to thank you for the advice provided on how the administrative work associated with access to documents requests could be anticipated.

You also note that the Commission only contacted the complainant to obtain further information after 15 working days. As in the present case, defining the perimeter of documents concerned by a request requires that teams identify and go through several hundred documents representing more than a thousand pages. This implies thorough internal coordination within and among services of the Commission and therefore requires time. In the present case, the Commission needed the full timeline of 15 working days to carry out the different steps and inform the requestor last July.

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¹ Reference: GestDem 2021/4558

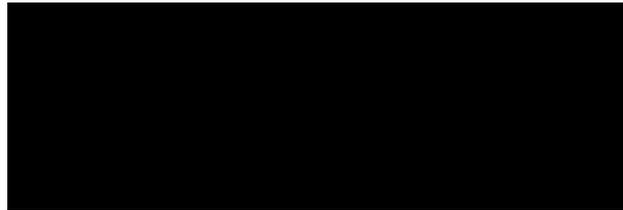
Ms Emily O'Reilly
European Ombudsman

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As regards the possibility of using the public Register of Commission Documents to further enhance the visibility of documents held by the Commission, I would like to draw your attention to the already existing possibility of searching in the Register by specific key-words i.e. for documents that refer to the 'Recovery and Resilience Facility'. In addition, the Commission is looking into ways to encourage the public viewer to search for documents by subject in both the public Register of Commission Documents as well as in the soon to be released new public portal for the document requests management system prior to submitting a request for access to a document.

You can rest assured of our commitment to ensuring the transparency of the Recovery and Resilience Facility as we share your assessment that full ownership by EU citizens is a prerequisite to ensure its success.

Yours faithfully,



Ursula von der Leyen