

(English version)

Question for written answer E-004009/25
to the Commission
César Luena (S&D)
(13 October 2025)

Subject: Concerns about changes to the Commission's transparency rules and restricted access to environmental and public health documents

On 22 September 2025, ClientEarth brought an action before the EU General Court against the Commission for having amended its transparency rules and thus blocked public access to key documents on health and the environment, including draft legislation, legal opinions, environmental impact assessments and internal communications. The organisation argues that these changes violate the EU treaties, Regulation (EC) No 1049/2001 on access to documents, the Aarhus Convention and several judgments of the Court of Justice of the EU. In spite of this and objections from civil society, the Commission is standing by its changes, thereby hindering democratic participation and the public's right to access vital information.

In view of the above:

1. How does the Commission ensure that the recent changes to its transparency rules comply with Regulation (EC) No 1049/2001, the Aarhus Convention and CJEU case-law, especially with regard to access to crucial documents on health and the environment?
2. Does it intend to reverse these changes to ensure that it fully respects the right to access information and the right to democratic participation, as provided for in the Treaties and in EU legislation?

Submitted: 13.10.2025

Answer given by Mr Šefčovič on behalf of the European Commission
(8 December 2025)

1. The Commission is of the opinion that the new Detailed Rules ⁽¹⁾ for the application of Regulation (EC) No 1049/2001 ⁽²⁾ on access to documents are fully in line with the said regulation and the case-law of the Court of Justice of the EU, ensuring full compliance with the Aarhus Convention and Regulation ⁽³⁾. They enhance transparency for all documents, including those pertaining to health and the environment, by incorporating provisions that guarantee, for instance, the proactive publication of a wide array of documents and the high-quality of responses to requests for access to documents.

2. The Commission is firmly committed to upholding the principles of access to documents and democratic participation as enshrined in the Treaties and EU legislation. Moreover, the Commission consistently assesses how to further improve the effectiveness of these principles in accordance with the applicable rules. The Commission is a party to two pending Court cases ⁽⁴⁾ in which the review of selected provisions of the detailed rules is at stake, amongst which ClientEarth's action for annulment. This action for annulment concerns the reply given by the Commission to their request for internal review introduced on the basis of the Aarhus Regulation. This reply is publicly accessible ⁽⁵⁾ and expresses the position of the Commission on this matter. The Commission is not at liberty to further comment pending cases.

1 Commission Decision (EU) 2024/3080 of 4 December 2024 establishing the Rules of Procedure of the Commission and amending Decision C(2000) 3614, OJ L, 2024/3080, 5.12.2024, <http://data.europa.eu/eli/dec/2024/3080/oj>.

2 Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, pp. 43-48.

3 Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies, OJ L 264, 25.9.2006, pp. 13-19.

4 T-146/25, *De Capitani and Others v Commission* and T-641/25, *ClientEarth v Commission*.

5 See internal review request number 102 on this website: https://environment.ec.europa.eu/law-and-governance/aarhus/requests-internal-review_en#repository-of-requests-for-internal-review-lodged-with-the-european-commission-pursuant-to-article-10-of-regulation--ec-no-13672006-aarhus-regulation.