

**Question for written answer P-002556/2018
to the Commission**
Rule 130
Richard Sulík (ECR)

Subject: Access to documents of the EU institutions

Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to documents defines the rules, conditions and restrictions on EU citizens' right of access to the documents of the European Parliament, Council and Commission (hereinafter 'the institutions').

Article 4 of the Regulation provides for public interest exemptions (and other exemptions), pursuant to which the institutions may automatically refuse access to documents.

1. According to the case-law of the Court of Justice, ongoing infringement proceedings may constitute grounds for refusing to disclose documents. Does this conclusion apply only to the institutions set out in the Regulation (the EP, Commission and Council), or is it also binding on the national authorities of the Member States?
2. May a Member State grant a third party, such as a Member/Members of the European Parliament or of a national parliament, access to a document relating to an ongoing infringement procedure if the EU institution (Commission, Council or EP) refuses to provide said document, in accordance with the provisions of this Regulation or, where appropriate, in accordance with the case-law of the Court of Justice?