



8 November 2021

Dear Vice-President Jourová,

Dear Director-General Itälä,

Dear Ms O'Reilly,

The ability of citizens, activists and civil society organisations to access and be able to critically examine information on matters of public interest is key to ensure that transparency, accountability and the rule of law lie at the heart of our democracies.

Promoting and protecting the right to access public interest information, a core component of the fundamental right to good administration, is a particularly pressing need as we [witness](#) increasingly concerning corruption levels in a number of EU countries. This is particularly disturbing at a time when, faced with the COVID-19 pandemic, health and social security systems are struggling to support our populations and taxes wasted through corruption translate into unnecessary deaths and hardships.

It is against this background that we are writing to urge you to make sure that the European Commission, OLAF and all EU institutions constructively build upon the important principles developed by the General Court in the judgement rendered on 1 September 2021 in the case [Homoki v Commission](#).

The Homoki case originated from an access to documents request submitted to OLAF by an activist in relation to an important investigation into an EU-funded street lighting project by company Elios in Hungary. The case is particularly emblematic in terms of both revealing the relevance of access to information as a tool to keep governments accountable and citizens informed and of stressing the role EU institutions have in promoting and protecting it. Indeed, the case concerned by OLAF's investigation is a telling example of the widespread misuse of public funds, including EU funds, which the current Hungarian government has been engaging into to cement its grip on power and maximise profits for government officials and people connected to them at the expense of Hungary's people.

The request for access to documents was submitted by Ms Homoki, a resident in Gyál, a town in Pest county in the Budapest metropolitan area, Hungary. Such action was meant to shed light over the corruption arguably behind a street lighting project carried out in Gyál which, instead of improving the town's public lighting infrastructure, further deteriorated the pressing problem of the lack of visibility in the town's streets. The action was initiated as part of a broader citizens' campaign aimed at drawing attention to the issue and urging authorities to take action, or at least unveil the reasons behind the street lighting project's failure.



That is the kind of malpractice that the government has been trying to cover up by systematically weakening the anti-corruption framework and the democratic checks and balances meant to oversee the executive. In upholding Ms Homoki's request to access the final investigation report on this case rejecting OLAF's refusal of disclosure, the General Court has offered an important acknowledgment of the role of public watchdogs in exposing EU governments' wrongdoings. It has also conveyed an urgent call upon EU institutions to lead by example in upholding transparency and accountability.

As the deadline for the European Commission to appeal the General Court's judgment approaches, we expect the Commission and OLAF to **allow for this important judgment to become final**, and to **propose concrete measures to make sure that the right to access and critically examine public interest information is better promoted and protected** at both EU and national level.

Picking up a legal battle to try and overturn this important General Court's ruling, or failing to take this as an opportunity to review OLAF's and the European Commission's access to documents policy, would be at odds with the EU's responsibility to protect our democracies and people's well-being against corruption and rule of law backsliding and to enable activists and civil society organisations play their vital watchdog role, in Hungary and elsewhere in the EU.

Hungarian Civil Liberties Union (Társaság a Szabadságjogokért)
Civil Liberties Union For Europe
K-Monitor
Átlátszó