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'I/A' ITEM NOTE

From:	Working Party on Information
To:	Permanent Representatives Committee/Council
No. prev. doc.:	8942/16
Subject:	Fourteenth annual report of the Council on the implementation of Regulation (EU) 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

1. Article 17(1) of Regulation 1049/2001 on access to documents establishes that each institution has to publish an annual report on the implementation of the Regulation for the preceding year.
2. The draft Annual Report for the year 2015 identifies the main trends and features of requests for access to Council documents and reviews complaints to the Ombudsman as well as rulings given by the European Courts in cases concerning the Council's implementation of the regulation. The format of the report changed and its length has been shortened, given that the statistical data providing the basis for the report is now available in the form of open data on the Council's website.
3. Statistical information on requests for access to documents addressed to the Council in 2015 was presented to the Working Party on Information at its meeting on 19 May 2016.

4. The Working Party Information agreed, through an informal consultation procedure, with the draft Annual Report as set out in the Annex to this note.
 5. The Permanent Representatives Committee is therefore invited to recommend to the Council to approve, as an "A" item of its agenda, the draft Annual Report.
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COUNCIL ANNUAL REPORT ON ACCESS TO DOCUMENTS - 2015¹

OPEN DATASET AVAILABLE ON COUNCIL'S WEBSITE

In April 2016, the Council published the open dataset on requests for access to documents on its website. The dataset is available in machine readable format. It is possible to query the data via the application program interface (API) SPARQL endpoint or to download the entire dataset in zip format. Experienced users can use the dataset to create tailor-made reports and statistics. A user-friendly search engine will also be available from July onwards.

Two additional datasets have also been published as open data, namely the metadata of the Council's public register of documents and the Council's voting results on the adoption of legislative acts. The three datasets are available on the [Council's website](#) and on the EU [Open Data Portal](#).

REQUESTS FOR ACCESS TO DOCUMENTS IN 2015

The public register

The register attracts about 10% of the Council's website traffic. In 2015, the register was consulted over 350 000 times. Its 162 000 visitors arrived at the register through web search engines (36%), were redirected from another website (30%) or have the register's address bookmarked (31%). About a third of the visitors came from Belgium, 10% from Germany and 8% from the UK.

On 31 December 2015, the public register listed 344 628 original language documents (2 492 257 documents in all language versions). Of the total number of original language documents listed in the register, 69% are public and available for downloading, that is, 238 340 documents.

¹ This report has been drawn up pursuant to article 17(1) of regulation (EC) no 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43), which provides that "*Each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register*".

Throughout 2015, 35 010 documents were added to the register, of which 81%, that is 28 270 documents, are now public and available for downloading. In 2015, the Council issued 19 506 documents public upon circulation, issued 14 400 LIMITE documents and added to the register 725 documents partially available to the public. The Council also issued 634 classified documents² of which 382 are listed in the register and 252 were not included.

Requests for access to documents

In 2015, the Council received 2 784 initial requests for access to documents and 24 confirmatory applications, requiring the analysis of 12 102 documents. At the initial stage, full access was granted to 9 277 documents and partial access to 1 094 documents. Access was refused to 1 731 documents. Regarding confirmatory applications, full access was granted to 23 documents and partial access to 38 documents. The Council maintained the refusal of 66 documents.

During the period covered by this report, the Council issued 8 670 legislative documents³ of which 3 115 were issued as public upon circulation. Of the remaining 5 555 legislative documents issued as LIMITE (with reference in the register but not directly accessible), 4 683 documents were made public upon request, a release rate of 84%.

At the initial stage, documents were refused mainly in order to protect the Council's decision-making process (587 times, 45%), to protect the public interest as regards international relations (244 times, 19%) and as regards public security (47 times, 4%). In 28% of cases (362 times), documents were refused by combining several exceptions. The protection of personal data was the exception used most often to justify partial access (317 times, 29%).

At the confirmatory stage, documents were refused mainly in order to protect the public interest as regards international relations (23 times, 35%) and to protect the Council's decision-making process together with another exception (41 times, 62%). The protection of the decision-making process in combination with another reason was also the exception most often used to justify partial access (24 times, 63%).

² As established by Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

³ As defined in Article 12 of Regulation 1049/2001, legislative documents are documents drawn up and/or received in the course of a legislative procedure.

It took the General Secretariat an average of 16 working days to process initial requests and 29 working days to process confirmatory applications. The deadline of 15 working days to process initial requests was extended for 671 requests, that is, in 24% of cases. For confirmatory applications the deadline was extended for 22 out of 24 confirmatory applications.

The tables in the annex give further detail on requests for access to documents.

COMPLAINTS LODGED WITH THE EUROPEAN OMBUDSMAN AND LEGAL ACTION

Complaints lodged with the European Ombudsman

Complaint 2049/2014/NF of 8 January 2015

This complaint concerned a refusal by the European Council to grant public access to two documents relating to the work of the task force set up in 2010 to strengthen economic governance across the EU. In its reply to the applicant's confirmatory request, the European Council argued that the publication of the documents would undermine the protection of the financial, monetary or economic policy of the European Union or of a member state and the protection of the institution's decision-making process.

Having inspected the relevant documents, the Ombudsman took the preliminary view that their content did not appear as sensitive as claimed by the European Council, in particular when taking into account the fact that the documents had been drawn up in 2010. The European Council subsequently reconsidered its assessment and released the two documents to the complainant. With her letter of 16 March 2016, the Ombudsman closed the case, concluding that the European Council had settled the matter and thereby satisfied the complainant.

Complaint 1011/2015/TN of 13 July 2015

This complaint concerned the refusal of the Council of the European Union to grant public access to the opinions on the suitability of member state candidates to perform the duties of judge and advocate-general at the Court of Justice and at the General Court of the EU. These opinions are drawn up by a panel of experts and are used by member states when deliberating on the suitability of a given candidate. The Council had initially refused access to the opinions arguing that the documents were of an intergovernmental nature and therefore not covered by the scope of Regulation 1049/2001.

The Ombudsman opened an inquiry into the matter, setting out in her preliminary view that regulation 1049/2001 did apply to the document concerned by the request for public access. In its opinion, the Council explained that it had reassessed its practice and concluded that Regulation 1049/2001 also applied to documents held by its General Secretariat when performing tasks of support to various intergovernmental bodies and entities, including documents originating from the said panel.

By her decision of 4 May 2016, the Ombudsman closed her inquiry into the matter, concluding that the Council by its change of policy had taken steps to resolve the matter.

Complaint 916/2015/OV of 22 July 2015

This complaint concerned the Council's refusal to grant full public access to five documents concerning the operational results of the Mos Maiorum, Aphrodite and Perkūnas joint operations. The complainant alleged that the Council had wrongly refused to grant public access to the documents concerned invoking the need to protect the public interest as regards public security and international relations. Following the inspection of the relevant documents, the Ombudsman took the view that the Council could consider granting further partial access to certain parts of the documents.

On 13 May 2016, the Council informed the Ombudsman and the complainant that it had reassessed the requested documents to take into account the time elapsed since the abovementioned operations and the changing migration trends in Europe. Following its reassessment, the Council had come to the conclusion that full access could be granted to two of the requested documents (6224/13 ADD 1 and 6224/13 ADD 2) and extended partial access could be granted to another two documents (5474/15 and 6224/13). However, the Council maintained its assessment that no further partial access could be given to the fifth document (16045/13). The Council considered that the release of specific sections of the latter three documents would still undermine the protection of the public interest as regards public security and international relations.

Own-initiative inquiry (OI/8/2015/FOR) on transparency in trilogues - concerning the European Parliament, the Council of the European Union and the European Commission

In May 2015, the European Ombudsman opened an own-initiative inquiry on transparency in trilogues. In her letter, addressed to the European Parliament, the Council and the Commission, the Ombudsman asked the three institutions to reply to several questions about the organisation of trilogues and the handling of documents (drafting and accessibility). The institutions were also requested to make arrangements for her team to inspect two closed legislative files in the framework of her inquiry: the *mortgage credit directive* (2014/14/EU) and the *clinical trial regulation* (536/2014).

In its reply to the Ombudsman's letter, the Council pointed out that the *organisation of the legislative activity* as such, including the organisation of trilogues, could not *be considered an administrative activity*, but should be regarded as an essential aspect of the exercise of the legislators' prerogatives. However, the Council considered that the *handling of documents*, including documents prepared for trilogues, constituted *an administrative activity* falling within the Ombudsman's mandate and therefore authorised the inspection of the preparatory documents relating to the two abovementioned legislative files. The inspections took place on 12 and 20 November 2015, respectively.

At the time of publication of this report, the Council had not yet received a reply from the Ombudsman concerning this own-initiative inquiry.

Court cases

By its *judgment of 18 September 2015 in case 395/13 (Samuli Miettinen v Council)*, the General Court (Seventh Chamber) annulled the Council's decision of 13 May 2013 refusing full public access to document 12979/12, which contained an opinion of the Council legal service regarding two legislative proposals.⁴

This case concerned the application of the exceptions to the right of public access set out in article 4(2), second indent, and in article 4(3), first subparagraph, of Regulation no 1049/2001 concerning the protection of legal advice and the protection of the institution's decision-making process.

The ruling of the General Court did not develop any particular new elements regarding previous jurisprudence in this field but did seem to reduce even further the use of the exception on the protection of legal advice, already limited by the Court of Justice in the “*Turco-judgment*”⁵. The ruling also confirmed the very restrictive line taken by the Court in the recent “*Access Info Europe*” case as regards the protection of the decision-making process of an EU institution when legislating.

By its **judgment of 7 October 2015 in case T-658/14 (Ivan Jurašinić v Council)**, the General Court (Fifth Chamber) dismissed the action brought by the applicant against the Council's decision to refuse full public access to the correspondence between the EU institutions and the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the context of the 'Gotovina' case before the ICTY. In its judgment, the General Court took the view that the Council's refusal of full access to the correspondence with the ICTY was justified on the grounds of the need to protect the public interest as regards international relations, as provided for in article 4(1)(a), third indent of Regulation (EC) no 1049/2001.

⁴ Proposal for a directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation and proposal for a regulation on insider dealing and market manipulation and other instruments regarding the harmonisation of administrative sanctions in the framework of financial services.

⁵ See the Court's judgment of 1 July 2008, *Sweden and Turco v Council*, C-39/05 P and C-52/05 P, ECR, EU:C:2008:374.

Case T-710/14 (Herbert Smith Freehills), challenging the legality of the Council's decision to refuse public access to emails sent by an official of the Council's legal service during trilogue negotiations on a legislative file⁶ is currently pending before the General Court.

The Council is intervening in support of the European Parliament in **Case T-540/15 (Emilio De Capitani v European Parliament)**. Mr De Capitani has brought an action before the Court for the annulment of the European Parliament's decision to refuse full access to multicolumn documents prepared for trilogue meetings, in the context of negotiations on the legislative proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol). In particular, this case regards the refusal of access to the fourth column, which sets out the compromise text agreed by the institutions, based on the protection of the decision-making process of the institutions provided for in article 4(3) first subparagraph of Regulation 1049/2001.

⁶ Proposal for a directive of the European Parliament and of the Council on the approximation of laws, regulations and administrative provisions of the member states concerning the manufacture, presentation and sale of tobacco and related products. See also the Council Annual Report on Access to documents - 2014, p. 19.

1. Number of initial requests pursuant to Regulation No 1049/2001

2011		2012		2013		2014		2015	
2 116		1 871		2 212		2 445		2 784	

2. Number of documents requested by initial requests

2011		2012		2013		2014		2015	
9 641		6 166		7 564		10 839		12 102	

3. Documents released by the General Secretariat of the Council at initial stage

2011		2012		2013		2014		2015	
8 506		4 858		5 951		8 964		10 371	
partial 1 103	full 7 403	partial 998	full 3 860	partial 867	full 5 084	partial 776	full 8 188	partial 1 094	full 9 277

4. Number of confirmatory applications

2011		2012		2013		2014		2015	
27		23		25		40		24	

5. Number of documents considered by confirmatory applications

2011		2012		2013		2014		2015	
59		78		77		225		127	

6. Documents released by the Council at confirmatory stage

2011		2012		2013		2014		2015	
41		27		33		159		61	
partial 15	full 26	partial 17	full 10	partial 29	full 4	partial 132	full 27	partial 38	full 23

7. Rate of documents released during the whole procedure (full release / full + partial release)

2011		2012		2013		2014		2015	
77%	88,6%	64,9%	81,2%	67,6%	79,5%	75,9%	84,2%	77,9%	87,4%

8. Professional profile of the applicants (initial requests)

	2011	2012	2013	2014	2015
Civil society	25,8%	27,2%	29,4%	28,5%	27%
Journalists	3,3%	2,8%	1,8%	4,5%	4,1%
Lawyers	10%	9,8%	10%	10,3%	10,3%
Academic world	37,6%	33,4%	29,2%	31,7%	37,9%
Public authorities (non-EU institutions, third-country representatives, etc.)	5,4%	4,0%	4,4%	3,8%	2,8%
Members of the European Parliament and assistants	0,9%	1%	0,6%	0,4%	0,9%
Others	5,3%	6,6%	5,8%	6%	10,3%
Undeclared	13,5%	16,5%	18,8%	14,8%	6,7%

9. Professional profile of the applicants (confirmatory applications)

	2011	2012	2013	2014	2015
Civil society	19,3%	28,5%	21,8%	27,7%	16,6%
Journalists	11,5%	9,5%	0%	3,5%	5,6%
Lawyers	15,4%	14,3%	13%	31%	33,3%
Academic world	34,6%	23,8%	43,5%	24,1%	33,3%
Public authorities (non-EU institutions, third-country representatives, etc.)	0%	0%	0%	3,4%	0%
Members of the European Parliament and assistants	3,8%	4,8%	0%	0%	5,6%
Others	7,7%	4,8%	4,3%	0%	0%
Undeclared	7,7%	14,3%	17,4%	10,3%	5,6%

10. Geographic distribution of the applicants (initial requests)

Country	2011	2012	2013	2014	2015
Belgium	30,5%	33%	28%	29%	25%
Bulgaria	0,4%	0,1%	0,6%	0,1%	0,3%
Croatia	0,5%	0,2%	0,2%	0,1%	0,3%
Czech Republic	1%	0,7%	0,8%	1,8%	0,5%
Denmark	1%	0,6%	2,1%	2,3%	3,3%
Germany	14,5%	14,6%	18,5%	13,9%	13%
Estonia	0%	0%	0,2%	0,1%	0,2%
Greece	0,7%	0,5%	1%	0,2%	0,8%
Spain	3,5%	3,3%	3,3%	3,6%	4,9%
France	7,7%	7,3%	5,7%	6%	5,6%
Ireland	0,7%	1,1%	0,9%	1,4%	1%
Italy	6,3%	5,6%	4,6%	4%	4,1%
Cyprus	0,2%	0,1%	0,2%	0,1%	0,2%
Latvia	0,2%	0,1%	0,2%	0,1%	0,1%
Lithuania	0,1%	0%	0,5%	0%	0%
Luxembourg	1,3%	1,2%	1,8%	1,6%	0,4%
Hungary	0,8%	0,2%	0,5%	0,3%	0,2%
Malta	0,2%	0,2%	0,1%	0,5%	0,2%
Netherlands	7,6%	5,8%	5%	6,8%	7,3%
Austria	1,9%	1,9%	2%	1,8%	1,6%
Poland	1,6%	2,3%	1,7%	1,5%	1,7%
Portugal	0,9%	0,7%	0,4%	1%	0,5%
Romania	0,2%	0,2%	0%	0,4%	0,3%
Slovenia	0,2%	0,1%	0,2%	0,2%	0,2%
Slovakia	0,3%	0,5%	0,1%	0,1%	0,3%
Finland	0,4%	0,6%	1%	1,1%	1,1%
Sweden	1,3%	1,3%	1,2%	1%	0,8%
United Kingdom	9,2%	11,5%	10,2%	9,6%	9,9%
Third countries	5,9%	4,2%	3,5%	4,1%	4%
Undeclared	0,9%	2,2%	5,5%	7,1%	12,2%

11. Geographic distribution of the applicants (confirmatory applications)

Country	2011	2012	2013	2014	2015
Belgium	23,1%	38,1%	26,1%	27,6%	38,9%
Bulgaria	0%	0%	0%	0%	0%
Croatia	0%	0%	4,3%	3,4%	0%
Czech Republic	0%	0%	0%	0%	0%
Denmark	3,9%	0%	0%	3,5%	0%
Germany	19,2%	19%	21,7%	6,9%	16,7%
Estonia	0%	0%	0%	0%	0%
Greece	0%	0%	0%	0%	5,5%
Spain	3,8%	0%	0%	0%	0%
France	7,7%	9,5%	4,4%	6,9%	5,6%
Ireland	0%	0%	0%	3,5%	0%
Italy	7,7%	0%	4,4%	3,4%	0%
Cyprus	0%	0%	0%	0%	0%
Latvia	0%	0%	0%	0%	0%
Lithuania	0%	0%	0%	0%	0%
Luxembourg	0%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	0%
Malta	0%	0%	0%	0%	0%
Netherlands	7,7%	4,8%	8,7%	6,9%	11,1%
Austria	0%	0%	0%	6,9%	0%
Poland	0%	0%	4,3%	0%	0%
Portugal	0%	0%	0%	0%	0%
Romania	0%	0%	0%	0%	0%
Slovenia	0%	0%	0%	0%	0%
Slovakia	0%	0%	0%	0%	0%
Finland	0%	0%	4,4%	6,9%	0%
Sweden	0%	0%	0%	0%	0%
United Kingdom	23,1%	14,3%	4,4%	20,7%	11,1%
Third countries	3,8%	0%	4,3%	0%	0%
Undeclared	0%	14,3%	13%	3,4%	11,1%

12. Policy area of requested documents

Policy	2011	2012	2013	2014	2015
Agriculture, Fisheries	3,5%	5%	3%	4,9%	3,6%
Internal Market	8%	9,7%	11,7%	6,7%	8,3%
Research	0,4%	1%	2,1%	1,1%	0,1%
Culture	0,2%	0,7%	0,5%	0,4%	0,4%
Education/Youth	0,4%	0,2%	0,6%	0,5%	0,5%
Industry	0,1%	0%	0,4%	0,3%	0%
Competitiveness	1,4%	1,6%	1,1%	1,1%	0,4%
Energy	2,1%	2,7%	2%	1,3%	0,9%
Transport	1,5%	1,4%	2,6%	3,9%	3,3%
Environment	9,1%	7,6%	12,6%	13,1%	8%
Health and Consumer Protection	3,6%	3,5%	4,5%	6,1%	5,2%
Economic and Monetary Policy	5,9%	6,9%	8,7%	4%	8,5%
Tax Questions – Fiscal Issues	12,5%	6,7%	3,7%	4,2%	4,3%
External Relations – CFSP	12,8%	10,7%	8,1%	10,6%	12,7%
Civilian Protection	0%	0,6%	0,8%	0,6%	0,3%
Enlargement	1%	1,2%	0,4%	0,4%	0,6%
Defence and Military matters	2,2%	2,7%	2,5%	0,8%	1,4%
Assistance for Development	0,1%	0%	0,4%	0,1%	0%
Regional Policy and Economical/Social Cohesion	0,1%	0,4%	0,1%	0,3%	0%
Social Policy	2,7%	3,9%	5,2%	5,1%	4,1%
Justice and Home Affairs	19,5%	18,1%	16,8%	23,4%	27,4%
Legal questions	3,1%	5,4%	5,1%	3,6%	2,2%
Functioning of the institutions	2,4%	2,4%	2,8%	2,8%	3,3%
Financing of the Union (Budget, Statute)	0,2%	0,8%	0,4%	0,2%	0,1%
Transparency	0,3%	1,2%	0,5%	0,5%	0,5%
General policy questions	0,6%	0,7%	1,1%	1,8%	1,6%
Parliamentary Questions	3%	2,5%	0,7%	0,5%	1,1%
Various	0,2%	0,2%	0,1%	0,2%	0%

13. Exceptions used to refuse access (initial stage)

Exceptions foreseen in regulation 1049/2001	2011		2012		2013		2014		2015	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	93	8,9%	64	5,8%	58	3,8%	35	2%	47	3,6%
Protection of public interest as regards defence and military matters	15	1,4%	18	1,6%	9	0,6%	3	0,2%	22	1,7%
Protection of public interest as regards international relations	221	21,2%	226	20,5%	375	24,7%	455	25,8%	244	18,7%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	11	1,1%	0	0%	4	0,3%	0	0%	28	2,2%
Protection of privacy and the integrity of the individual (protection of personal data)	2	0,2%	2	0,2%	2	0,1%	3	0,2%	3	0,2%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	1	0,1%	1	0%	0	0%
Protection of court proceedings and legal advice	10	1%	7	0,6%	7	0,5%	13	0,7%	11	0,8%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of the Institution's decision-making process	426	40,9%	455	41,3%	556	36,7%	379	21,5%	587	45%
Several reasons together or other reasons	264	25,3%	330	30%	503	33,2%	871	49,4%	362	27,8%
Document not held by the Council/Other author	0	0%	0	0%	0	0%	4	0,2%	0	0%

14. Exceptions used to refuse access (confirmatory applications)

Exceptions foreseen in regulation 1049/2001	2011		2012		2013		2014		2015	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	3	15,8%	0	0%	0	0%	1	0,4%	2	3%
Protection of public interest as regards defence and military matters	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of public interest as regards international relations	15	78,9%	2	3,9%	20	69%	35	14,6%	23	34,9%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of court proceedings and legal advice	0	0%	1	2%	0	0%	3	1,2%	0	0%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of Institution's decision-making process	0	0%	1	2%	1	3,4%	0	0%	0	0%
Several reasons together or other reasons	1	5,3%	47	92,1%	8	27,6%	201	83,8%	41	62%
Document not held by the Council/other author	0	0%	0	0%	0	0%	0	0%	0	0%

15. Exceptions used to justify partial access (initial stage)

Exceptions foreseen in regulation 1049/2001	2011		2012		2013		2014		2015	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	49	4,4%	44	4,8%	28	3,2%	35	4,6%	33	3%
Protection of public interest as regards defence and military matters	1	0,1%	2	0,2%	5	0,6%	2	0,3%	5	0,4%
Protection of public interest as regards international relations	323	29,3%	174	18,8%	57	6,6%	184	24%	105	9,6%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	0	0%	1	0,1%	0	0%	2	0,2%
Protection of privacy and the integrity of the individual (protection of personal data)	35	3,2%	125	13,5%	46	5,3%	64	8,3%	317	29%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	0	0%	2	0,3%	0	0%
Protection of court proceedings and legal advice	58	5,2%	18	1,9%	32	3,7%	57	7,4%	22	2%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of the Institution's decision-making process	422	38,3%	334	36,1%	525	60,5%	180	23,5%	295	27%
Several reasons together or other reasons	215	19,5%	228	24,7%	173	20%	242	31,6%	315	29%
Document not held by the Council/Other author	0	0%	0	0%	0	0%	0	0%	0	0%

16. Exceptions used to justify partial access (confirmatory stage)

Exceptions foreseen in regulation 1049/2001	2011		2012		2013		2014		2015	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	1	6,7%	3	13%	1	3,5%	0	0%	1	2%
Protection of public interest as regards defence and military matters	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of public interest as regards international relations	6	40%	2	8,7%	0	0%	95	72%	12	31,6%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	0	0%	1	3,5%	0	0%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	0	0%	1	4,4%	1	3,4%	2	1,5%	1	2,6%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	0	0%	1	0,7%	0	0%
Protection of court proceedings and legal advice	1	6,7%	1	4,4%	5	17,2%	0	0%	0	0%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of Institution's decision-making process	2	13,3%	1	4,3%	15	51,7%	3	2,3%	0	0%
Several reasons together or other reasons	5	33,3%	9	65,2%	6	20,7%	31	23,5%	24	63,2%
Document not held by the Council/other author	0	0%	0	0%	0	0%	0	0%	0	0%

17. Number of documents (all language versions) referred to in the public register and number of public documents

2011		2012		2013		2014		2015	
1 729 944	1 337 933 (77%)	1 915 737	1 480 557 (77%)	2 076 220	1 583 636 (76%)	2 273 581	1 760 045 (77%)	2 492 257	1 962 312 (78%)

18. Number of documents added to in the public Register in 2015

	Public upon circulation	LIMITE	LIMITE made public upon request	Others
Legislative	3 115	5 555	4 683	0
Non legislative	16 391	8 846	4 080	382

19. Average number of working days to reply to a request for access to documents or to a complaint made to the European Ombudsman

	2011	2012	2013	2014	2015
For the initial applications	16 (2 116 requests)	16 (1 871 requests)	18 (2 212 requests)	17 (2 443 requests)	16 (2 784 requests)
For the confirmatory applications	29 (27 appl)	28 (23 appl)	26 (25 appl)	27 (40 appl)	29 (24 appl)
Pondered average (initial + confirmatory)	16,16	16,15	18,09	17,16	16,11
Ombudsman	32	64	0	12	168

20. Number of applications with extended deadline - Art 7(3) and 8(2)

	2011	2012	2013	2014	2015
Initial applications	513 of 2 116, 24,2%	452 of 1 871, 24,2%	587 of 2 212, 26,5%	589 of 2 445, 24,1%	671 of 2 784 24,1%
Confirmatory applications	24 (of 27)	20 (of 23)	21 (of 25)	39 (of 40)	22 (of 24)