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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	24 August 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 533 final ANNEX 1
Subject:	ANNEX to the REPORT FROM THE COMMISSION on the application in 2015 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents

Delegations will find attached document COM(2016) 533 final ANNEX 1.

Encl.: COM(2016) 533 final ANNEX 1



Brussels, 24.8.2016
COM(2016) 533 final

ANNEX 1

ANNEX

to the

REPORT FROM THE COMMISSION

**on the application in 2015 of Regulation (EC) No 1049/2001 regarding public access to
European Parliament, Council and Commission documents**

ANNEX¹

Statistics relating to the application of Regulation (EC) No 1049/2001

1. NUMBER OF DOCUMENTS ENTERED IN THE REGISTER

	COM	SEC	C	JOIN	SWD	OJ	PV	Total
2015	1488	1293	15558	91	309	119	87	18945

INITIAL REQUESTS

2. APPLICATIONS RECEIVED AND HANDLED

	2011	2012	2013	2014	2015
Applications registered	6,477	6,014	6,525	6,227	6,752
Replies given ²	7,075	6,334	7,659	7,156	7,684
Replies given based on Regulation 1049/2001 ³	6,055	5,274	5,906	5,637	5,819

3. RESULT

	2011		2012		2013		2014		2015	
	No	%	No	%	No	%	No	%	No	%
Full access granted	4,856	80.20	3,928	74.48	4,400	73.43	4,096	72.77	4,003	68.79
Partial access granted	462	7.62	454	8.61	640	10.68	866	15.36	890	15.29
Access refused	737	12.18	892	16.91	866	14.45	668	11.87	926	15.91
Total	6,055	100	5,274	100	5,906	100	5,630	100	5,819	100

¹ Figures as extracted on 11 April 2016.

² Please note that a single request can concern several documents and can consequently give rise to several different replies.

³ Please note that this category does not include the replies given outside the scope of Regulation 1049/2001, for example replies given under Regulation 45/2001.

4. BREAKDOWN OF REFUSALS BY EXCEPTION APPLIED (%)

	2011	2012	2013	2014	2015
4.1.a. 1st indent – Protection of public security	2.40	1.34	1.53	1.52	2.43
4.1.a. 2nd indent Protection of defence and military matters	0.39	0.11	0.26	0.00	0.15
4.1.a. 3rd indent - Protection of international relations	12.02	3.58	6.19	7.27	4.92
4.1.a. 4th indent – Protection of the financial, monetary or economic policy	1.88	1.40	1.66	1.57	0.71
4.1.b. Protection of privacy and the integrity of the individual	8.90	14.65	16.26	21.00	29.40
4.2.1st indent - Protection of commercial interests	16.83	16.94	16.14	14.92	14.75
4.2 2nd indent - Protection of court proceedings and legal advice	6.76	9.84	5.42	4.94	4.51
4.2 3rd indent - Protection of the purpose of inspections, investigations and audits	21.90	25.32	23.60	25.01	20.88
4.3 subparagraph 1– Decision-making process, no decision yet taken	17.15	20.23	20.60	15.95	17.69
4.3. subparagraph 2- Decision making process, decision already taken: opinions for internal use as part of deliberations and preliminary consultations	8.58	4.92	6.51	6.19	2.58
4.5. Refusal by Member State/third author ⁴	3.18	1.67	1.85	1.63	1.98
Total	100	100	100	100	100

4 This category is not used anymore, as it does not constitute an exception in the sense of Art. 4 of Regulation 1049/2001. It still appears as the raw data available did not in all cases enable a ventilation according to the exception of Art. 4 of Regulation 1049/2001.

CONFIRMATORY REQUESTS

5. APPLICATIONS RECEIVED AND HANDLED

	2011	2012	2013	2014	2015
Applications registered	165	229	236	300	284
Replies given	162	202	252	327	291
Replies given based on Regulation 1049/2001 ⁵	144	160	189	272	230

6. RESULT

	2011		2012		2013		2014		2015	
	No	%	No	%	No	%	No	%	No	%
Confirmation of initial reply – Access refused	61	42.36	91	56.88	106	56.08	154	56.62	135	58.70
Partial revision – Partial access granted	62	43.05	39	24.38	45	23.81	67	24.63	73	31.74
Full revision – Full access granted	21	14.58	30	18.75	38	20.11	51	18.75	22	9.57
Total	144	100	160	100	189	100	272	100	230	100

⁵ Please note that this category does not include the replies given outside the scope of Regulation 1049/2001.

7. BREAKDOWN OF REFUSALS BY EXCEPTION APPLIED (%)

	2011	2012	2013	2014	2015
4.1.a. 1st indent – Protection of public security	1.33	1.31	0.92	0	2.05
4.1.a. 2nd indent - Protection of defence and military matters	2.00	0.65	0 ⁶	0.71 ⁶	0
4.1.a. 3rd indent - Protection of international relations	4.67	7.19	7.37 ⁶	4.61 ⁶	7.38
4.1.a. 4th indent – Protection of the financial, monetary or economic policy	3.34	0.00	3.69 ⁶	2.84 ⁶	2.87
4.1.b. - Protection of privacy and the integrity of the individual	20.67	10.46	16.13	18.09	15.57
4.2. 1st indent - Protection of commercial interests	14.66	11.76	11.98	15.96	13.11
4.2. 2nd indent - Protection of court proceedings and legal advice	1.33	7.84	6.91	10.28	4.92
4.2. 3rd indent - Protection of the purpose of inspections, investigations and audits	32.68	45.10	36.87	32.98	37.70
4.3 subparagraph 1 – Decision-making process, no decision yet taken	15.33	6.54	10.60	11.35	13.93
4.3. subparagraph 2 - Decision making process, decision already taken: opinions for internal use as part of deliberations and preliminary consultations	4	9.15	5.53	3.19	2.46
Total	100	100	100	100	100

⁶ Due to a technical error, the figures for these categories were inversed in the annual reports covering the years 2013 and 2014.

BREAKDOWN OF INITIAL REQUESTS

8. ACCORDING TO SOCIAL AND OCCUPATIONAL PROFILE OF APPLICANTS (%)

	2011	2012	2013	2014	2015
Academics	23.24	22.70	22.08	19.80	22.33
Lawyers	10.69	13.58	14.46	18.30	13.06
Civil society (interest groups, industry, NGOs. etc.)	8.18	10.32	16.62	16.04	15.64
Public authorities (other than the EU institutions)	13.56	7.12	8.24	8.23	6.38
Other EU institutions	8.32	7.64	8.76	12.80	12.56
Journalists	3.35	4.81	4.58	6.00	7.03
Not specified	32.68	33.83	25.26	18.83	22.99
Total	100	100	100	100	100

9. ACCORDING TO GEOGRAPHICAL ORIGIN (%)

	2011	2012	2013	2014	2015
Austria		1.78	1.73	1.48	1.23
Belgium	21.42	21.85	24.23	29.30	26.78
Bulgaria	0.93	0.70	0.54	1.08	0.68
Cyprus	0.25	0.08	0.17	0.11	0.07
Croatia	-	-	0.14	0.24	0.33
Czech Republic	0.93	2.01	1.39	1.00	0.86
Denmark	2.11	1.58	3.12	1.68	1.63
Estonia	0.19	0.17	0.11	0.16	0.22
Finland	1.57	0.55	0.64	1.10	0.68
France	8.90	7.53	7.27	7.97	7.57
Germany	12.27	14.04	12.96	11.94	11.74

Greece	1.10	1.73	1.67	1.24	0.96
Hungary	0.96	0.63	0.86	0.63	1.29
Ireland	1.02	1.50	0.84	1.31	1.04
Italy	12.37	7.54	5.91	8.02	7.26
Latvia	0.15	0.17	0.12	0.36	0.13
Lithuania	0.42	0.30	0.78	0.34	0.33
Luxembourg	2.12	1.79	1.50	1.48	0.96
Malta	0.12	0.17	0.20	0.26	0.28
Netherlands	4.18	4.62	3.80	3.61	5.48
Poland	2.68	2.79	3.95	2.65	3.04
Portugal	1.15	1.11	0.98	1.40	0.89
Romania	0.87	0.91	0.67	0.65	0.46
Slovakia	0.56	0.81	0.35	0.65	0.76
Slovenia	0.31	0.22	0.29	0.39	0.15
Spain	7.16	5.70	6.54	6.24	9.91
Sweden	1.81	2.16	2.19	1.42	2.22
United-Kingdom	8.59	10.17	7.64	7.41	7.63
Non-EU European countries	0.40	0.37	1.81	1.81	1.81
North America	0.23	0.88	0.28	0.94	1.20
Australia and New Zealand	0.03	0.03	0.02	0.00	0.03
Africa	0.02	0	0.08	0.24	0.36
South America	0.02	0.03	0.03	0.03	0.09
Asia	0.06	0.05	0.26	0.39	0.96
Not specified	3.73	6.03	6.96	2.47	0.99
Total	100	100	100	100	99.98

10. ACCORDING TO AREA OF INTEREST (%)

Directorate-General / Service ⁷	2011	2012	2013	2014	2015
AGRI – Agriculture and Rural Development	2.62	3.44	3.05	5.02	3.97
BUDG – Budget	1.02	0.81	0.72	0.74	0.47
CLIMA – Climate Action	2.22	2.86	2.53	1.71	1.87
CNECT – Communications Networks, Content and Technology ⁸	1.98	1.74	2.07	1.55	2.65
COMM – Communication	1.26	0.65	0.55	0.60	0.33
COMP – Competition	6.99	6.81	5.13	7.55	5.81
DEVCO – Development and Cooperation-EuropeAid	3.30	4.67	2.89	3.99	5.35
DGT – Translation	0.14	0.20	0.14	0.05	0.06
DIGIT – Informatics	0.09	0.12	0.05	0.06	0.10
EAC – Education and Culture	1.05	1.13	2.13	0.84	0.71
ECFIN – Economic and Financial Affairs	1.57	1.11	1.53	1.44	1.26
ECHO – Humanitarian Aid and Civil Protection	0.33	0.18	0.23	0.18	0.34
EMPL – Employment, Social Affairs and Inclusion	1.64	3.47	2.51	2.61	2.68
ENER – Energy	5.86	5.15	4.78	3.20	3.47
ENV – Environment	6.37	6.61	5.07	5.29	5.79
EPSC – European Political Strategy Centre ⁹	0.11	0	0.06	0.15	0.10
EPSO – European Personnel Selection Office	0.23	0.23	0.18	0.23	0.09
ESTAT – Eurostat	0.20	0.20	0.28	0.36	0.44
FISMA – Financial Stability, Financial Services and Capital Markets Union ¹⁰					2.59
FPIS – Foreign Policy Instruments Service ¹¹	-	0.13	0.46	0.90	0.86
GROW – Internal Market, Industry, Entrepreneurship and SMEs ¹²	4.84	4.55	5.02	5.02	8.58

⁷ Please note that OLAF does not record its requests for access to documents in the same system.

⁸ Please note that DG CNECT was previously DG INFSO (until 1 July 2012).

⁹ As from 1 January 2015, BEPA became EPSC.

¹⁰ As from 1 January 2015, DG MARKT became DG FISMA.

¹¹ Please note that since the creation of the European External Action Service (EEAS), only documents of FPI are retained within the Commission.

¹² As from 1 January 2015, DG ENTR became DG GROW.

HOME – Home Affairs	4.74	3.14	2.07	2.82	4.21
HR – Human Resources and Security + OIB (Office for Infrastructure and Logistics in Brussels) + OIL (Offices for Infrastructure and Logistics in Luxembourg) + PMO (Office for Administration and Payment of Individual Entitlements)	2.34	2.98	2.23	2.45	2.37
IAS – Internal Audit Service	0.05	0.02	0.17	0.03	0.09
JUST – Justice	2.54	3.72	4.21	3.60	2.77
MARE – Maritime Affairs and Fisheries	0.95	0.66	1.01	1.07	1.04
MOVE – Mobility and Transport	3.02	2.66	4.15	3.47	3.76
NEAR – Neighbourhood and Enlargement Negotiations ¹³	1.04	0.95	0.93	0.97	1.38
OP – Publications Office	0.37	0.12	0.11	0.10	0.15
RELEX – External Relations	2.39	-	-	-	-
REGIO – Regional Policy	2.29	3.41	2.20	4.13	3.92
RTD – Research and Innovation + JRC – Joint Research Centre	1.27	1.61	1.95	2	1.40
SANTE – Health and Food Safety ¹⁴	6.96	7.28	8.26	7.21	9.18
SCIC – Joint Interpreting and Conference Service	0	0.02	0.02	0	0.01
SG – Secretariat General	10.12	12.10	13.88	11.57	8.74
SJ – Legal Service	2.76	4.37	3.75	3	3.17
TAXUD – Taxation and Customs Union	7.80	4.92	6.01	5.57	5.67
TRADE – Trade	3.47	2.48	4.73	5.08	4.38
Total	100	100	100	100	100

¹³ As from 1 January 2015, DG ELARG became DG NEAR.

¹⁴ As from 1 January 2015, DG SANCO became DG SANTE.