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#### NOTE

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From: General Secretariat of the Council  
To: Working Party on Information

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Subject: Fifteenth annual report of the Council on the implementation of 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

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1. Delegations will find in the Annex to this note the draft Annual Report on requests for access to documents for 2016 slightly revised in the light of delegations' comments.
2. This report has been drawn up pursuant to article 17(1) of Regulation (EC) no 1049/2001. It describes trends in requests for access to Council documents in 2016 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 report for 2016 follows last year's new, shortened format, 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. Following agreement of the Working Party on Information, the report will be submitted to Coreper/Council for approval.

## COUNCIL ANNUAL REPORT ON ACCESS TO DOCUMENTS - 2016<sup>1</sup>

### I. REQUESTS FOR ACCESS TO DOCUMENTS IN 2016

#### 1. The public register

In 2016 the register attracted about 9% of the Council's website traffic. It was consulted approximately 380 000 times. 182 000 visitors (42%) arrived at the register through web search engines, 24% were redirected from another website and 26% had the register's address bookmarked. About a third of the visitors came from Belgium, 9% from Germany and 8% from Spain.

On 31 December 2016, the public register listed 354 381 original language documents (2 583 926 documents in all language versions). Of the total number of original language documents listed in the register, 70% (246 901 documents) are public and available for downloading.

Throughout 2016, 22 671 documents were added to the register, of which 71%, or 16 181 documents, are now public and available for downloading. In 2016, the Council issued 12 624 documents that were available to the public upon circulation, 9 182 LIMITE documents and added to the register 334 documents partially available to the public. The Council also issued 745 classified documents<sup>2</sup>, of which 497 are listed in the register and 248 are not.

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<sup>1</sup> 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*'.

<sup>2</sup> 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).

## 2. Requests for access to documents

In 2016, the Council received 2 342 initial requests for access to documents and 24 confirmatory applications, requiring the analysis of 10 232 documents. At the initial stage, full access was granted to 7 273 documents and partial access to 501 documents. Access was refused to 2 458 documents. Regarding confirmatory applications, full access was granted to 34 documents and partial access to 55 documents. The Council confirmed that access should be refused to 103 documents.

During the period covered by this report, the Council issued 4 500 legislative documents<sup>3</sup> of which 1 955 were issued as 'public' upon circulation. Of the remaining 2 545 legislative documents issued as LIMITE (with a reference in the register but which were not directly accessible), 1 748 documents were made public upon request, a release rate of 69%.

At the initial stage, documents were refused mainly in order to protect the Council's decision-making process (555 times, or 36%), to protect the public interest as regards international relations (223 times, or 15%) and as regards public security (67 times, or 4%). In 42% of cases (648 times), documents were refused by combining several exceptions. The protection of the public interest as regards international relations and the protection of personal data were the exceptions most used to justify partial access (both 21%).

At the confirmatory stage, protection of the decision-making process in combination with another exception was the reason most used to refuse access to documents (90 times, or 87%) and to justify partial access (23 times, or 42%).

It took the General Secretariat an average of 16 working days to process initial requests and 55<sup>4</sup> working days to process confirmatory applications. The deadline of 15 working days to process initial requests was extended for 573 requests, that is, in 25% of cases. The deadline was extended for 23 out of 24 confirmatory applications.

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

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<sup>3</sup> 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.

<sup>4</sup> This high figure is due to the particular complexity of several confirmatory applications.

## **II. COMPLAINTS LODGED WITH THE EUROPEAN OMBUDSMAN AND LEGAL ACTION**

### **1. Complaints lodged with the European Ombudsman**

#### ***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. Following inspection, 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. Consequently, full access was granted to two documents and extended partial access was granted to another two.

By decision of 25 November 2016, the European Ombudsman closed her inquiry with the conclusion that by granting further access to most documents concerned, the Council had settled the matter.

#### ***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).

The Ombudsman also carried out a public consultation on the institutions' opinions by asking members of the public and civil society to submit their views on the object of the inquiry.

In its reply to the Ombudsman's letter, the Council pointed out that the *organisation of 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.

On 12 July 2016, the Ombudsman informed the Council (as well as the Commission and the European Parliament) of her decision to close her inquiry. Her decision did not contain any finding of maladministration. In particular, the Ombudsman considered that a balance has to be found between the need for greater transparency in the legislative domain and the legitimate need to ensure the effective organisation of law making. In that regard, the Ombudsman acknowledged that elected representatives must have some privileged space to negotiate. However, she also addressed to the three institutions a series of proposals to increase the transparency.

The Ombudsman further requested the three Institutions to follow up on her proposals by 15 December 2016. In its follow up reply, the Council stated that it remained convinced that the organisation of the legislative process, and notably of the trilogues, was a prerogative of the co-legislators and could not give rise to instances of maladministration. However, the Council added that it attached great importance to making sure that decisions were taken as openly as possible. The Council recalled that, as a signatory of the 2016 interinstitutional agreement on better law-making, it had expressed its strong commitment to "*further improving the work done under the ordinary legislative procedure in line with the principles of sincere cooperation, transparency, accountability and efficiency*".

The Council also informed the Ombudsman that reflection on her proposals was ongoing, not only internally but with the other institutions as well. For two of these proposals, however, namely the publication of four-column documents and the publication of lists of documents tabled during trilogue negotiations, as they touch on matters currently before the Court of Justice, the Council will wait for the Court's decision before deciding which steps to take on their implementation.

On 26 January 2017, the European Ombudsman sent a further follow-up letter asking the Council to keep her informed of the progress made in implementing her proposals by the end of November 2017.

### ***Complaint 21/2016/JAP of 10 February 2016***

This complaint concerns the Council's refusal to grant full access to a contribution and three opinions of the Council Legal Service relating to the proposals for a Council regulation on the establishment of the European Public Prosecutor's Office (EPPO) and for a regulation of the European Parliament and of the Council on the EU Agency for Criminal Justice Cooperation (EUROJUST), documents 6267/14, 13302/1/14 REV 1, 16983/14 and 8904/1, respectively.

The complainant alleged that the Council had incorrectly applied the relevant provisions of regulation (EC) no 1049/2001 and had relied on unconvincing arguments to refuse access. Following the inspection of the relevant documents, the Ombudsman decided to ask the Council for an opinion on the applicant's allegations and claim.

In its reply to the Ombudsman, the Council, after having reassessed the documents requested, decided to fully release two of the documents (6267/14 and 8904/15). As regards the two remaining documents (13302/1/14 REV 1 and 16983/14), which had already been partially disclosed, the Council concluded that no further partial access was possible and that it had to maintain the refusal of public access pursuant to the second indent of article 4(2) (protection of the public interest as regards legal advice) and the first sub-paragraph of article 4(3) (protection of the Council's decision-making process) of regulation 1049/2001.

At the time of the publication of this report, the Council had not yet received a reply from the Ombudsman concerning the Council's opinion.

## 2. Court cases

On 15 September 2016, the General Court (8th Chamber) handed down its ruling in the two parallel cases **T-710/14** (*Herbert Smith Freehills LLP v Council of the EU, Commission intervening*) and **case T-755/16** (*Herbert Smith Freehills LLP v Commission, Council of the EU intervening*) and dismissed the actions brought by the applicant against the Council's and Commission's decisions to refuse public access to certain emails sent by an official of the Council Legal Service to an official of the Commission Legal Service during the trilogue negotiations leading to the adoption of directive [2014/40/EU](#) of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products.

In its ruling, the General Court first considered that the Council had correctly taken the view that exchanging views by email between the Legal Services of the three institutions could be considered as legal advice within the meaning of the second indent of article 4(2) of regulation no [1049/2001](#). Secondly, the General Court considered that the arguments put forward by the applicant to argue the existence of an overriding public interest to disclosure - notably the fact that legal advice issued in the context of a legislative process must in principle be disclosed, that disclosure of such advice increases the transparency and openness of the legislative process and that the legal advice concerned an issue of constitutional relevance currently debated in Court - were considerations of a purely general nature and as such were not sufficient to call into question the assessment made by the Council. Thus the Court upheld the Council's view that given the particularly sensitive nature of the legal advice in question, which concerned issues that could be subject to litigation, the interest in transparency and in participation in the legislative process did not take precedence over the need to protect the legal views set out in the requested documents. Finally, the Court also ruled that partial access would not have been justified due to the irrelevant nature of the information that could have been released.

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 tables 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. The Council is currently waiting for the setting of the hearing in the case.

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

2012		2013		2014		2015		2016	
1 871		2 212		2 445		2 784		2 342	

**2. Number of documents requested by initial requests**

2012		2013		2014		2015		2016	
6 166		7 564		10 839		12 102		10 232	

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

2012		2013		2014		2015		2016	
4 858		5 951		8 964		10 371		7 774	
partial 998	full 3 860	partial 867	full 5 084	partial 776	full 8 188	partial 1 094	full 9 277	partial 501	full 7 273

**4. Number of confirmatory applications**

2012		2013		2014		2015		2016	
23		25		40		24		24	

**5. Number of documents considered by confirmatory applications**

2012		2013		2014		2015		2016	
78		77		225		127		192	

**6. Documents released by the Council at confirmatory stage**

2012		2013		2014		2015		2016	
27		33		159		61		89	
partial 17	full 10	partial 29	full 4	partial 132	full 27	partial 38	full 23	partial 55	full 34

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

2012		2013		2014		2015		2016	
64,9%	81,2%	67,6%	79,5%	75,9%	84,2%	77,9%	87,4%	76,5%	82,3%

## 8. Professional profile of the applicants (initial requests)

	2012	2013	2014	2015	2016
Civil society	27,2%	29,4%	28,5%	27%	24,8%
Journalists	2,8%	1,8%	4,5%	4,1%	4,8%
Lawyers	9,8%	10%	10,3%	10,3%	7,2%
Academic world	33,4%	29,2%	31,7%	37,9%	35,2%
Public authorities (non-EU institutions, third-country representatives, etc.)	4,0%	4,4%	3,8%	2,8%	3,4%
Members of the European Parliament and assistants	1%	0,6%	0,4%	0,9%	1%
Others	6,6%	5,8%	6%	10,3%	14,1%
Undeclared	16,5%	18,8%	14,8%	6,7%	9,5%

## 9. Professional profile of the applicants (confirmatory applications)

	2012	2013	2014	2015	2016
Civil society	28,5%	21,8%	27,7%	16,6%	23,5%
Journalists	9,5%	0%	3,5%	5,6%	11,8%
Lawyers	14,3%	13%	31%	33,3%	5,9%
Academic world	23,8%	43,5%	24,1%	33,3%	11,8%
Public authorities (non-EU institutions, third-country representatives, etc.)	0%	0%	3,4%	0%	0%
Members of the European Parliament and assistants	4,8%	0%	0%	5,6%	17,6%
Others	4,8%	4,3%	0%	0%	17,6%
Undeclared	14,3%	17,4%	10,3%	5,6%	11,8%

## 10. Geographic distribution of the applicants (initial requests)

Country	2012	2013	2014	2015	2016
Belgium	33%	28%	29%	25%	22%
Bulgaria	0,1%	0,6%	0,1%	0,3%	0,3%
Croatia	0,2%	0,2%	0,1%	0,3%	0%
Czech Republic	0,7%	0,8%	1,8%	0,5%	0,6%
Denmark	0,6%	2,1%	2,3%	3,3%	1,8%
Germany	14,6%	18,5%	13,9%	13%	14,4%
Estonia	0%	0,2%	0,1%	0,2%	0,1%
Greece	0,5%	1%	0,2%	0,8%	0,7%
Spain	3,3%	3,3%	3,6%	4,9%	4,7%
France	7,3%	5,7%	6%	5,6%	6,5%
Ireland	1,1%	0,9%	1,4%	1%	0,8%
Italy	5,6%	4,6%	4%	4,1%	5,3%
Cyprus	0,1%	0,2%	0,1%	0,2%	0%
Latvia	0,1%	0,2%	0,1%	0,1%	0%
Lithuania	0%	0,5%	0%	0%	0%
Luxembourg	1,2%	1,8%	1,6%	0,4%	0,9%
Hungary	0,2%	0,5%	0,3%	0,2%	0,2%
Malta	0,2%	0,1%	0,5%	0,2%	0,2%
Netherlands	5,8%	5%	6,8%	7,3%	6,9%
Austria	1,9%	2%	1,8%	1,6%	2,9%
Poland	2,3%	1,7%	1,5%	1,7%	1%
Portugal	0,7%	0,4%	1%	0,5%	0,6%
Romania	0,2%	0%	0,4%	0,3%	0,3%
Slovenia	0,1%	0,2%	0,2%	0,2%	0,1%
Slovakia	0,5%	0,1%	0,1%	0,3%	0,9%
Finland	0,6%	1%	1,1%	1,1%	1,2%
Sweden	1,3%	1,2%	1%	0,8%	2%
United Kingdom	11,5%	10,2%	9,6%	9,9%	7,7%
Third countries	4,2%	3,5%	4,1%	4%	0,3%
Undeclared	2,2%	5,5%	7,1%	12,2%	11,8%

## 11. Geographic distribution of the applicants (confirmatory applications)

Country	2012	2013	2014	2015	2016
Belgium	38,1%	26,1%	27,6%	38,9%	47%
Bulgaria	0%	0%	0%	0%	0%
Croatia	0%	4,3%	3,4%	0%	0%
Czech Republic	0%	0%	0%	0%	0%
Denmark	0%	0%	3,5%	0%	5,9%
Germany	19%	21,7%	6,9%	16,7%	0%
Estonia	0%	0%	0%	0%	0%
Greece	0%	0%	0%	5,5%	0%
Spain	0%	0%	0%	0%	5,9%
France	9,5%	4,4%	6,9%	5,6%	5,9%
Ireland	0%	0%	3,5%	0%	0%
Italy	0%	4,4%	3,4%	0%	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	4,8%	8,7%	6,9%	11,1%	17,6%
Austria	0%	0%	6,9%	0%	5,9%
Poland	0%	4,3%	0%	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%	4,4%	6,9%	0%	0%
Sweden	0%	0%	0%	0%	0%
United Kingdom	14,3%	4,4%	20,7%	11,1%	0%
Third countries	0%	4,3%	0%	0%	0%
Undeclared	14,3%	13%	3,4%	11,1%	11,8%

## 12. Policy area of requested documents

Policy	2012	2013	2014	2015	2016
Agriculture, Fisheries	5%	3%	4,9%	3,6%	5,2%
Internal Market	9,7%	11,7%	6,7%	8,3%	5,3%
Research	1%	2,1%	1,1%	0,1%	0,3%
Culture	0,7%	0,5%	0,4%	0,4%	0,9%
Education/Youth	0,2%	0,6%	0,5%	0,5%	0,5%
Industry	0%	0,4%	0,3%	0%	0%
Competitiveness	1,6%	1,1%	1,1%	0,4%	0,5%
Energy	2,7%	2%	1,3%	0,9%	0,7%
Transport	1,4%	2,6%	3,9%	3,3%	6,5%
Environment	7,6%	12,6%	13,1%	8%	11%
Health and Consumer Protection	3,5%	4,5%	6,1%	5,2%	4,7%
Economic and Monetary Policy	6,9%	8,7%	4%	8,5%	8,3%
Tax Questions – Fiscal Issues	6,7%	3,7%	4,2%	4,3%	6,5%
External Relations – CFSP	10,7%	8,1%	10,6%	12,7%	10,2%
Civilian Protection	0,6%	0,8%	0,6%	0,3%	0,5%
Enlargement	1,2%	0,4%	0,4%	0,6%	0,7%
Defence and Military matters	2,7%	2,5%	0,8%	1,4%	1%
Assistance for Development	0%	0,4%	0,1%	0%	0%
Regional Policy and Economical/Social Cohesion	0,4%	0,1%	0,3%	0%	0,1%
Social Policy	3,9%	5,2%	5,1%	4,1%	3,5%
Justice and Home Affairs	18,1%	16,8%	23,4%	27,4%	19,1%
Legal questions	5,4%	5,1%	3,6%	2,2%	3,5%
Functioning of the institutions	2,4%	2,8%	2,8%	3,3%	6,2%
Financing of the Union (Budget, Statute)	0,8%	0,4%	0,2%	0,1%	0,1%
Transparency	1,2%	0,5%	0,5%	0,5%	0,5%
General policy questions	0,7%	1,1%	1,8%	1,6%	1,3%
Parliamentary Questions	2,5%	0,7%	0,5%	1,1%	0,9%
Various	0,2%	0,1%	0,2%	0%	0%

### 13. Exceptions used to refuse access (initial stage)

Exceptions foreseen in regulation 1049/2001	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	64	5,8%	58	3,8%	35	2%	47	3,6%	67	4,3%
Protection of public interest as regards defence and military matters	18	1,6%	9	0,6%	3	0,2%	22	1,7%	15	1%
Protection of public interest as regards international relations	226	20,5%	375	24,7%	455	25,8%	244	18,7%	223	14,4%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	4	0,3%	0	0%	28	2,2%	16	1%
Protection of privacy and the integrity of the individual (protection of personal data)	2	0,2%	2	0,1%	3	0,2%	3	0,2%	1	0,1%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	1	0,1%	1	0%	0	0%	0	0%
Protection of court proceedings and legal advice	7	0,6%	7	0,5%	13	0,7%	11	0,8%	18	1,2%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	0	0%	2	0,1%
Protection of the Institution's decision-making process	455	41,3%	556	36,7%	379	21,5%	587	45%	555	35,9%
Several reasons together	330	30%	503	33,2%	871	49,4%	362	27,8%	648	42%

#### 14. Exceptions used to refuse access (confirmatory applications)

Exceptions foreseen in regulation 1049/2001	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	0	0%	0	0%	1	0,4%	2	3%	0	0%
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	2	3,9%	20	69%	35	14,6%	23	34,9%	8	7,7%
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%	1	1%
Protection of privacy and the integrity of the individual (protection of personal data)	0	0%	0	0%	0	0%	0	0%	1	1%
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	1	2%	0	0%	3	1,2%	0	0%	1	1%
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	1	2%	1	3,4%	0	0%	0	0%	2	1,9%
Several reasons together	47	92,1%	8	27,6%	201	83,8%	41	62%	90	87,4%

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

Exceptions foreseen in regulation 1049/2001	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	44	4,8%	28	3,2%	35	4,6%	33	3%	36	7,2%
Protection of public interest as regards defence and military matters	2	0,2%	5	0,6%	2	0,3%	5	0,4%	0	0%
Protection of public interest as regards international relations	174	18,8%	57	6,6%	184	24%	105	9,6%	108	21,5
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	1	0,1%	0	0%	2	0,2%	1	0,2%
Protection of privacy and the integrity of the individual (protection of personal data)	125	13,5%	46	5,3%	64	8,3%	317	29%	106	21,2%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	2	0,3%	0	0%	2	0,4%
Protection of court proceedings and legal advice	18	1,9%	32	3,7%	57	7,4%	22	2%	20	4%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	0	0%	2	0,4%
Protection of the Institution's decision-making process	334	36,1%	525	60,5%	180	23,5%	295	27%	85	17%
Several reasons together	228	24,7%	173	20%	242	31,6%	315	29%	141	28,1%



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

Exceptions foreseen in regulation 1049/2001	2012		2013		2014		2015		2016	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	3	13%	1	3,5%	0	0%	1	2%	0	0%
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	2	8,7%	0	0%	95	72%	12	31,6%	1	1,8%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	1	3,5%	0	0%	0	0%	6	10,9%
Protection of privacy and the integrity of the individual (protection of personal data)	1	4,4%	1	3,4%	2	1,5%	1	2,6%	25	45,5%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	1	0,7%	0	0%	0	0%
Protection of court proceedings and legal advice	1	4,4%	5	17,2%	0	0%	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	1	4,3%	15	51,7%	3	2,3%	0	0%	0	0%
Several reasons together	9	65,2%	6	20,7%	31	23,5%	24	63,2%	23	41,8%

**17. Number of documents (original language version) referred to in the public register by 31 December of each calendar year (and number of public documents)<sup>5</sup>**

2012		2013		2014		2015		2016	
253 648	170 866 (67%)	272 871	184 017 (67%)	297 657	202 689 (68%)	331 710	230 720 (70%)	354 381	246 901 (70%)

**18. Number of documents (original language version) added to the public register in 2016<sup>4</sup>**

	Public upon circulation	LIMITE	LIMITE made public upon request	Others
Legislative	1 955	2 545	1 748	0
Non legislative	10 658	6 637	1 824	497

**19. Average number of working days to reply to an initial request for access to documents and to a confirmatory application**

	2012	2013	2014	2015	2016
For the initial applications	16 (1 871 requests)	18 (2 212 requests)	17 (2 443 requests)	16 (2 784 requests)	16 (2 342 requests)
For the confirmatory applications	28 (23 conf. applications)	26 (25 conf. applications)	27 (40 conf. applications)	29 (24 conf. applications)	55 (24 conf. applications)
Pondered average (initial + confirmatory)	16,15	18,09	17,16	16,11	16,4

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

	2012	2013	2014	2015	2016
Initial applications	452 of 1 871, 24,2%	587 of 2 212, 26,5%	589 of 2 445, 24,1%	671 of 2 784 24,1%	573 of 2 342 24,5%
Confirmatory applications	20 (of 23)	21 (of 26)	39 (of 40)	22 (of 24)	23 (of 24)

<sup>5</sup> In this year's annual report, the number of documents mentioned in the tables always refers to the original language version, for easier comparability.