



Brussels, 14 May 2018  
(OR. en)

8689/18

INF 61  
API 46

#### 'I/A' ITEM NOTE

---

From: Working Party on Information

To: Permanent Representatives Committee/Council

---

No. prev. doc.: 8016/18

---

Subject: Sixteenth 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

---

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 2017 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 institutions' implementation of the regulation. The report for 2017 follows the new, shortened format of the last two years since the statistical data which provides the basis for the report is now available as open data on the Council's website.
3. The draft annual report for the year 2017 was on the agenda of the meeting of the Working Party on Information on 26 April 2018.

4. The Working Party on Information agreed to the draft Annual Report as set out in the Annex to this note by written consultation which ended on 8 May 2018.
  
  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.
-

**COUNCIL ANNUAL REPORT  
ON ACCESS TO DOCUMENTS - 2017<sup>1</sup>**

**I. REQUESTS FOR ACCESS TO DOCUMENTS IN 2017**

**1. The public register**

In 2017 the register attracted about 6 % of the Council's website traffic. It was consulted more than 400 000 times. Its nearly 205 000 visitors arrived at the register through web search engines (45%), 30% came via a direct link and 18% were redirected from another website. Around one quarter of the visitors were from Belgium, 13% from Germany, 9 % from the United Kingdom and 6% from France and Italy.

On 31 December 2017, the public register listed 377 610 original language documents (2 766 910 documents in all language versions). Of the total number of original language documents listed in the register, 70% (264 730 documents) are public and available for downloading.

Throughout 2017, 25 514 original language documents were added to the register, of which 70%, or 17 923 documents, are now public and available for downloading. In 2017, the Council issued 12 703 documents that were available to the public upon circulation, 12 218 LIMITE documents and added to the register 1 217 documents that are partially available to the public. The Council also issued 811 classified documents<sup>2</sup>, of which 552 are listed in the register and 259 are not.

---

<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 2017, the Council received 2 597 initial requests for access to documents and 31 confirmatory applications, which require 8 000 documents to be analysed. At the initial stage, full access was granted to 5 466 documents (68,3%) and partial access to 678 documents (8,5%). Access was refused to 1 856 documents. Regarding confirmatory applications, full access was granted to 25 documents and partial access to 26 documents. The Council confirmed that access should be refused to 84 documents.

During the period covered by this report, the Council issued 6 104 legislative documents<sup>3</sup> of which 1 933 were issued as 'public' upon circulation. Of the remaining 4 171 legislative documents issued as LIMITE (with a reference in the register but not directly accessible), 2 406 documents were made public upon request. 71% of the legislative documents issued in 2017 are thus fully available to the public.

At the initial stage, documents were refused mainly in order to protect the Council's decision-making process (545 times, or 32%), to protect the public interest as regards international relations (269 times, or 15,8%) or for reasons of public security (51 times, or 3%). In nearly 46 % of cases (780 times), documents were refused based on the combination of a number of exceptions. The protection of the decision-making process and the protection of personal data were the exceptions most used to justify partial access (48 % and nearly 17 % respectively).

At the confirmatory stage, documents were mostly refused (85,7%) or only partially released (73,1%) due to a combination of exceptions.

It took the General Secretariat an average of 16 working days to process initial requests and 38 working days to process confirmatory applications. The deadline of 15 working days to process initial requests was extended for 744 requests, i.e., in 28% of cases. The deadline was extended for all 31 confirmatory applications.

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

---

<sup>3</sup> As defined in article 12 of Regulation (EC) No 1049/2001, legislative documents are documents drawn up and/or received in the course of a legislative procedure.

## **II. COMPLAINTS LODGED WITH THE EUROPEAN OMBUDSMAN, OWN-INITIATIVES INQUIRIES, STRATEGIC INITIATIVES BY THE EUROPEAN OMBUDSMAN AND LEGAL ACTION**

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

In 2017, the Council received three complaints : two of which concerned legal service opinions or contributions and one about the opinions by the Article 255 Panel on Judicial Appointments. One complaint received in 2016 is still mentioned in this section as it is not yet closed.

#### ***Complaint 21/2016/JAP***

This complaint, received on 10 February 2016, concerns the Council's refusal to grant full access to a contribution and three opinions by 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 8904/15 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 legal advice) and the first sub-paragraph of Article 4(3) (protection of the Council's decision-making process) of Regulation (EC) No 1049/2001.

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

### ***Complaint 1272/2017/ANA***

This complaint, received on 4 August 2017, concerns the Council's refusal to grant full public access to a contribution by the Legal Service concerning the possibility of Council participation in the Interinstitutional Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation, document 14704/14.

The complainant alleged that the Council had wrongly refused to grant full public access to the document concerned. In the complainant's opinion, the refusal was not well justified or well argued, despite there being an overriding public interest in disclosure.

The inspection took place on 6 October 2017 and the report was received on 7 November 2017. At the time of the publication of this report, the Council had not yet received any further information from the Ombudsman.

### ***Complaint 1955/2017/THH***

This complaint, received on 13 November 2017, concerns the Council's refusal to disclose more than very limited partial access to a number of opinions by the Article 255 Panel on Judicial Appointments to the Court of Justice of the EU and the General Court of the EU.

On 11 December 2017, the Ombudsman's services carried out an inspection, which was limited to the favourable opinions issued by the Panel.

At the time of the publication of this report, the Council had not yet received any further information from the Ombudsman.

## ***Complaint 2110/2017/THH***

This complaint, received on 14 December 2017, concerns the Council's refusal to grant full public access to an Opinion of the Legal Service relating to amendments to legislation on the prevention of money laundering, document 15655/16.

The complainant alleged that the Council had wrongly refused to grant full public access to the document concerned, had erred in its invocation of two exceptions and, moreover, had failed to give proper consideration to the public interest test.

The inspection took place on 5 February 2018. At the time of the publication of this report, the Council had not yet received any further information from the Ombudsman.

## **2. European Ombudsman's own-initiative inquiries**

In 2017, the European Ombudsman launched an own-initiative inquiry on access to documents relating to Council preparatory bodies when discussing draft EU legislative acts. The Own-initiative inquiry from 2015 concerning the transparency of trilogues is still mentioned in this report as there was some follow-up in 2017.

### ***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<sup>4</sup>***

In May 2015, the European Ombudsman opened an own-initiative inquiry on transparency in trilogues. She asked the European Parliament, the Council and the Commission several questions about the organisation of trilogues and the handling of documents and also asked to inspect two closed files.

---

<sup>4</sup> For further information, see last year's report (7903/17).

In July 2016, the Ombudsman informed the Council of her decision to close her inquiry. Her decision did not contain any findings of maladministration. She also addressed to the three institutions a series of proposals for increasing transparency.

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

In its reply, the Council gave a state of play of the work undertaken by the three institutions in the implementation of the joint database on the state of play of legislative files as well as regarding the proposals made by the Ombudsman for increasing the transparency of trilogues.

***Own-initiative inquiry OI/2/2017/AB on access to documents relating to Council preparatory bodies when discussing draft EU legislative acts***

On 10 March 2017, the Ombudsman addressed a letter to the Secretary-General of the Council of the EU opening an own-initiative inquiry into access to documents relating to the discussion of EU legislative acts by the Council's preparatory bodies.

In her letter, the Ombudsman recognised that the Council was already committed to the principle of transparency and to facilitating citizens' knowledge of, and capacity to be involved in, the EU legislative process. She indicated that her inquiry was intended to be of assistance to the Council in that regard.

The inquiry focuses on four areas: (i) consistency of practices between working parties; (ii) recording of Member States' individual positions; (iii) completeness of the Council's document register; and (iv) the accessibility of documents in the Council's document register.

The Ombudsman asked the Council to reply to a number of questions that fell within the four areas identified above. The Council provided its opinion on the matter by letter of 26 July 2017.<sup>5</sup>

---

<sup>5</sup> 8808/1/17 REV 1.

In a letter of 4 October 2017, the Ombudsman informed the Council that she had decided to inspect, in accordance with Article 3(2) of the Ombudsman's Statute, three files relating to legislative acts adopted in 2016, which would be identified by the General Secretariat of the Council in order to illustrate the various practices in the GSC's departments.

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

The inspection took place on 23 January 2018. On 9 February 2018, the Ombudsman sent a follow-up letter to the Council containing three recommendations on the transparency of the Council legislative process<sup>6</sup> and some suggestions for improvement. The Council was asked to send the Ombudsman a detailed opinion on these recommendations and to inform her of any actions taken in relation to her suggestions for improvement.

### **3. Strategic initiative**

#### ***SI/3/2017/KR - Public information on the UK's withdrawal from the EU***

On 24 March 2017, the European Ombudsman sent a letter to the Secretary-General concerning public information on the UK's withdrawal from the EU addressing, amongst other things, transparency and access to documents.

In his reply of 2 June 2017, the Secretary-General drew the attention of the Ombudsman to the agreed proactive approach of giving citizens access to relevant information and documents at the appropriate time and without the need to ask for them and to the publicly available *Guiding principles for transparency in negotiations under Article 50 TEU*.

---

<sup>6</sup> 6495/18

#### 4. Court cases

In 2017, there were no actions against the Council pending before or decided at the General Court or the Court of Justice concerning access to documents.

However, the Council intervened (or requested authorisation to intervene) in the following cases:

- T-264/15 Gameart v. Commission
- T- 448/15 BEE v. Commission
- T-540/15 De Capitani v. Parliament
- T-423/16 De Masi v. Commission
- T-168/17 CBA v. Commission

Case T-264/15 concerned documents related to correspondence between the European Commission and Poland in the framework of infringement proceedings. The application had initially been received by the Polish authorities who transferred it to the Commission under Article 5 of Regulation (EC) No 1049/2001. The General Court annulled the Commission's refusal to give access to documents originating from Poland, considering that Article 5 did not constitute a basis for the transfer of an application for documents originating from a Member State, even if the documents were closely connected to other documents originating from an EU institution.

Case T- 448/15 concerned legislative documents held by the Commission related to the "Waste Package Proposal". The action for annulment was brought after the Commission had let the deadline to reply to the applicant's confirmatory application pass, thereby adopting an implied decision of refusal (Article 8(3) of Regulation (EC) No 1049/2001). The Commission later sent the applicant an explicit decision on its confirmatory application. Accordingly, the Court decided by order that there was no need to adjudicate on the application for annulment, dismissing at the same time the action for damages as manifestly inadmissible.

The Council intervened 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 (EC) No 1049/2001.

In its judgment of 22 March 2018, the General Court annulled the decision by which the Parliament rejected the request for access to the documents in question.

Case T-423/16 concerned applications by a Member of the European Parliament for access to documents related to the Code of Conduct on Business Taxation and held by the Commission. However, none of the applications could be considered to be a confirmatory application; the Commission's replies were therefore replies to initial applications which, as such, could not be the subject of an application for annulment before the General Court. The Court therefore dismissed the application by order as manifestly inadmissible.

In case T-168/17, the applicant submitted that the exceptions provided for in Article 4 of Regulation (EC) No 1049/2001 are unlawful, since they conflict with higher-ranking primary law, in particular with Articles 42 and 47 of the Charter of Fundamental Rights of the European Union. At the time of the publication of this report, the Council was still awaiting authorisation to intervene.

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

2013		2014		2015		2016		2017	
2 212		2 445		2 784		2 342		2 597	

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

2013		2014		2015		2016		2017	
7 564		10 839		12 102		10 232		8 000	

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

2013		2014		2015		2016		2017	
5 951		8 964		10 371		7 774		6 144	
partial 867	full 5 084	partial 776	full 8 188	partial 1 094	full 9 277	partial 501	full 7 273	partial 678	full 5 466

**4. Number of confirmatory applications**

2013		2014		2015		2016		2017	
25		40		24		24		31	

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

2013		2014		2015		2016		2017	
77		225		127		192		135	

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

2013		2014		2015		2016		2017	
33		159		61		89		51	
partial 29	full 4	partial 132	full 27	partial 38	full 23	partial 55	full 34	partial 26	full 25

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

2013		2014		2015		2016		2017	
67,6%	79,5%	75,9%	84,2%	77,9%	87,4%	76,5%	82,3%	69,1%	78%

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

		2013	2014	2015	2016		2017	
Civil society/ Private sector	Consultants	29,4%	28,5%	27%	7,7%	24,7%	8,3%	25,4%
	Environmental lobbies				0,4%		0,2%	
	Other groups of interest				4,1%		4,7%	
	Industrial/ Commercial sector				6,7%		7,8%	
	NGOs				5,8%		4,4%	
Journalists		1,8%	4,5%	4,1%	4,8%		5,7%	
Lawyers		10%	10,3%	10,3%	7,2%		8,2%	
Academic world		29,2%	31,7%	37,9%	35,2%		32,9%	
Public authorities (non-EU institutions, third-country representatives, etc.)		4,4%	3,8%	2,8%	3,4%		4,2%	
Members of the European Parliament and assistants		0,6%	0,4%	0,9%	1%		0,6%	
Others		5,8%	6%	10,3%	14,1%		13,5%	
Undeclared		18,8%	14,8%	6,7%	9,5%		9,5%	

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

		2013	2014	2015	2016		2017	
Civil society/ Private sector	Consultants	21,8%	27,7%	16,6%	0%	23,5%	0%	7,8%
	Environmental lobbies				5,9%		0%	
	Other groups of interest				5,9%		3,9%	
	Industrial/ Commercial sector				11,7%		0%	
	NGOs				0%		3,9%	
Journalists		0%	3,5%	5,6%	11,8%		3,8%	
Lawyers		13%	31%	33,3%	5,9%		19,2%	
Academic world		43,5%	24,1%	33,3%	11,8%		26,9%	
Public authorities (non-EU institutions, third-country representatives, etc.)		0%	3,4%	0%	0%		0%	
Members of the European Parliament and assistants		0%	0%	5,6%	17,6%		0%	
Others		4,3%	0%	0%	17,6%		7,7%	
Undeclared		17,4%	10,3%	5,6%	11,8%		34,6%	

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

Country	2013	2014	2015	2016	2017
Belgium	28%	29%	25%	22%	26,2%
Bulgaria	0,6%	0,1%	0,3%	0,3%	0,2%
Croatia	0,2%	0,1%	0,3%	0%	0,9%
Czech Republic	0,8%	1,8%	0,5%	0,6%	1%
Denmark	2,1%	2,3%	3,3%	1,8%	1,3%
Germany	18,5%	13,9%	13%	14,4%	13,1%
Estonia	0,2%	0,1%	0,2%	0,1%	0,2%
Greece	1%	0,2%	0,8%	0,7%	0,9%
Spain	3,3%	3,6%	4,9%	4,7%	4,7%
France	5,7%	6%	5,6%	6,5%	7,2%
Ireland	0,9%	1,4%	1%	0,8%	1%
Italy	4,6%	4%	4,1%	5,3%	5,5%
Cyprus	0,2%	0,1%	0,2%	0%	0,1%
Latvia	0,2%	0,1%	0,1%	0%	0,3%
Lithuania	0,5%	0%	0%	0%	0,4%
Luxembourg	1,8%	1,6%	0,4%	0,9%	1,1%
Hungary	0,5%	0,3%	0,2%	0,2%	0,6%
Malta	0,1%	0,5%	0,2%	0,2%	0,2%
Netherlands	5%	6,8%	7,3%	6,9%	6,1%
Austria	2%	1,8%	1,6%	2,9%	1,3%
Poland	1,7%	1,5%	1,7%	1%	1,2%
Portugal	0,4%	1%	0,5%	0,6%	0,9%
Romania	0%	0,4%	0,3%	0,3%	0,2%
Slovenia	0,2%	0,2%	0,2%	0,1%	0%
Slovakia	0,1%	0,1%	0,3%	0,9%	0,6%
Finland	1%	1,1%	1,1%	1,2%	0,5%
Sweden	1,2%	1%	0,8%	2%	1%
United Kingdom	10,2%	9,6%	9,9%	7,7%	7,8%
Third countries	3,5%	4,1%	4%	0,3%	5,3%
Undeclared	5,5%	7,1%	12,2%	11,8%	10,2%

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

Country	2013	2014	2015	2016	2017
Belgium	26,1%	27,6%	38,9%	47%	19,2%
Bulgaria	0%	0%	0%	0%	0%
Croatia	4,3%	3,4%	0%	0%	0%
Czech Republic	0%	0%	0%	0%	0%
Denmark	0%	3,5%	0%	5,9%	0%
Germany	21,7%	6,9%	16,7%	0%	15,4%
Estonia	0%	0%	0%	0%	0%
Greece	0%	0%	5,5%	0%	0%
Spain	0%	0%	0%	5,9%	0%
France	4,4%	6,9%	5,6%	5,9%	3,9%
Ireland	0%	3,5%	0%	0%	0%
Italy	4,4%	3,4%	0%	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	8,7%	6,9%	11,1%	17,6%	11,5%
Austria	0%	6,9%	0%	5,9%	0%
Poland	4,3%	0%	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	4,4%	6,9%	0%	0%	3,9%
Sweden	0%	0%	0%	0%	0%
United Kingdom	4,4%	20,7%	11,1%	0%	15,4%
Third countries	4,3%	0%	0%	0%	3,8%
Undeclared	13%	3,4%	11,1%	11,8%	26,9%

## 12. Policy area of requested documents

Policy	2013	2014	2015	2016	2017
Agriculture, Fisheries	3%	4,9%	3,6%	5,2%	4,9%
Internal Market	11,7%	6,7%	8,3%	5,3%	6,4%
Research	2,1%	1,1%	0,1%	0,3%	0,2%
Culture	0,5%	0,4%	0,4%	0,9%	0,9%
Education/Youth	0,6%	0,5%	0,5%	0,5%	0,8%
Competitiveness	1,1%	1,1%	0,4%	0,5%	1,7%
Energy	2%	1,3%	0,9%	0,7%	3,8%
Transport	2,6%	3,9%	3,3%	6,5%	4,2%
Environment	12,6%	13,1%	8%	11%	13,7%
Health and Consumer Protection	4,5%	6,1%	5,2%	4,7%	2,8%
Economic and Monetary Policy	8,7%	4%	8,5%	8,3%	9,4%
Tax Questions – Fiscal Issues	3,7%	4,2%	4,3%	6,5%	5,7%
External Relations – CFSP	8,1%	10,6%	12,7%	10,2%	10,2%
Civilian Protection	0,8%	0,6%	0,3%	0,5%	0,5%
Enlargement	0,4%	0,4%	0,6%	0,7%	0,5%
Defence and Military matters	2,5%	0,8%	1,4%	1%	1,1%
Assistance for Development	0,4%	0,1%	0%	0%	0,2%
Regional Policy and Economical/Social Cohesion	0,1%	0,3%	0%	0,1%	0%
Social Policy	5,2%	5,1%	4,1%	3,5%	4,1%
Justice and Home Affairs	16,8%	23,4%	27,4%	19,1%	15,9%
Legal questions	5,1%	3,6%	2,2%	3,5%	3,4%
Functioning of the institutions	2,8%	2,8%	3,3%	6,2%	2,8%
Financing of the Union (Budget, Statute)	0,4%	0,2%	0,1%	0,1%	0%
Transparency	0,5%	0,5%	0,5%	0,5%	0,7%
General policy questions	1,1%	1,8%	1,6%	1,3%	1,2%
Parliamentary Questions	0,7%	0,5%	1,1%	0,9%	0,7%
Various	0,1%	0,2%	0%	0%	1,77%
BREXIT					2,42%

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

Exceptions foreseen in regulation 1049/2001	2013		2014		2015		2016		2017	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	58	3,8%	35	2%	47	3,6%	67	4,3%	51	3%
Protection of public interest as regards defence and military matters	9	0,6%	3	0,2%	22	1,7%	15	1%	39	2,3%
Protection of public interest as regards international relations	375	24,7%	455	25,8%	244	18,7%	223	14,4%	269	15,8%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	4	0,3%	0	0%	28	2,2%	16	1%	4	0,3%
Protection of privacy and the integrity of the individual (protection of personal data)	2	0,1%	3	0,2%	3	0,2%	1	0,1%	2	0,1%
Protection of commercial interests of a natural or legal person, including intellectual property	1	0,1%	1	0%	0	0%	0	0%	0	0%
Protection of court proceedings and legal advice	7	0,5%	13	0,7%	11	0,8%	18	1,2%	12	0,7%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	2	0,1%	0	0%
Protection of the Institution's decision-making process	556	36,7%	379	21,5%	587	45%	555	35,9%	545	32%
Several reasons together	503	33,2%	871	49,4%	362	27,8%	648	42%	780	45,8%

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

Exceptions foreseen in regulation 1049/2001	2013		2014		2015		2016		2017	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	0	0%	1	0,4%	2	3%	0	0%	1	1,2%
Protection of public interest as regards defence and military matters	0	0%	0	0%	0	0%	0	0%	4	4,8%
Protection of public interest as regards international relations	20	69%	35	14,6%	23	34,9%	8	7,7%	2	2,4%
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%	1	1%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	0	0%	0	0%	0	0%	1	1%	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%	3	1,2%	0	0%	1	1%	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	3,4%	0	0%	0	0%	2	1,9%	5	5,9%
Several reasons together or other reasons	8	27,6%	201	83,8%	41	62%	90	87,4%	72	85,7%

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

Exceptions foreseen in regulation 1049/2001	2013		2014		2015		2016		2017	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	28	3,2%	35	4,6%	33	3%	36	7,2%	71	10,5%
Protection of public interest as regards defence and military matters	5	0,6%	2	0,3%	5	0,4%	0	0%	2	0,3%
Protection of public interest as regards international relations	57	6,6%	184	24%	105	9,6%	108	21,5	44	6,5%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	1	0,1%	0	0%	2	0,2%	1	0,2%	3	0,4%
Protection of privacy and the integrity of the individual (protection of personal data)	46	5,3%	64	8,3%	317	29%	106	21,2%	114	16,8%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	2	0,3%	0	0%	2	0,4%	0	0%
Protection of court proceedings and legal advice	32	3,7%	57	7,4%	22	2%	20	4%	17	2,5%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	2	0,4%	1	0,1%
Protection of the Institution's decision-making process	525	60,5%	180	23,5%	295	27%	85	17%	326	48,1%
Several reasons together or other reasons	173	20%	242	31,6%	315	29%	141	28,1%	100	14,8%

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

Exceptions foreseen in regulation 1049/2001	2013		2014		2015		2016		2017	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	1	3,5%	0	0%	1	2%	0	0%	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	0	0%	95	72%	12	31,6%	1	1,8%	2	7,7%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	1	3,5%	0	0%	0	0%	6	10,9%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	1	3,4%	2	1,5%	1	2,6%	25	45,5%	1	3,9%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	1	0,7%	0	0%	0	0%	0	0%
Protection of court proceedings and legal advice	5	17,2%	0	0%	0	0%	0	0%	1	3,8%
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	15	51,7%	3	2,3%	0	0%	0	0%	3	11,5%
Several reasons together or other reasons	6	20,7%	31	23,5%	24	63,2%	23	41,8%	19	73,1%

**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)**

2013		2014		2015		2016		2017	
272 871	184 017 (67%)	297 657	202 689 (68%)	331 710	230 720 (70%)	354 381	246 901 (70%)	377 610	264 730 (70%)

**18. Number of documents (original language version) added to the public register in 2017**

	Public upon circulation	LIMITE	LIMITE made public upon request	Others
Legislative	1 933	4 171	2 406	0
Non legislative	10 775	8 047	2 814	588

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

	2013	2014	2015	2016	2017
For the initial applications	18 (2 212 requests)	17 (2 445 requests)	16 (2 784 requests)	16 (2 342 requests)	16 (2 597 requests)
For the confirmatory applications	26 (25 conf. applications)	27 (40 conf. applications)	29 (24 conf. applications)	55 (24 conf. applications)	38 (30 closed conf. appl.)
Pondered average (initial + confirmatory)	18,09	17,16	16,11	16,4	16,25

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

	2013	2014	2015	2016	2017
Initial applications	587 of 2 212, 26,5%	589 of 2 445, 24,1%	671 of 2 784 24,1%	573 of 2 342 24,5%	744 of 2 597 28,6%
Confirmatory applications	21 (of 26)	39 (of 40)	22 (of 24)	23 (of 24)	31 (of 31)