



Council of the
European Union

Brussels, 4 October 2018
(OR. en)

12828/18
ADD 1

INF 176
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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 3 October 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. prev. doc.: 12828/18 INIT

No. Cion doc.: COM(2018) 663 final ANNEX 1

Subject: ANNEX to the REPORT FROM THE COMMISSION on the application in
2017 of Regulation (EC) No 1049/2001 regarding public access to
European Parliament, Council and Commission documents

Delegations will find attached document COM(2018) 663 final ANNEX 1.

Encl.: COM(2018) 663 final ANNEX 1



Brussels, 3.10.2018
COM(2018) 663 final

ANNEX

ANNEX

to the

REPORT FROM THE COMMISSION

**on the application in 2017 of Regulation (EC) No 1049/2001 regarding public access to
European Parliament, Council and Commission documents**

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

1. THE NUMBER OF DOCUMENTS ENTERED IN THE REGISTER

| | C | COM | JOIN | OJ | PV | SEC | SWD | Total |
|-------------|--------|-------|------|-----|----|-------|-----|---------------|
| 2016 | 14,458 | 1,931 | 115 | 132 | 93 | 1,333 | 461 | 18,523 |
| 2017 | 14,749 | 1,850 | 120 | 129 | 96 | 1,373 | 508 | 18,825 |

2. THE CONSULTATION OF THE ACCESS-TO-DOCUMENTS WEBSITE ON EUROPA

| | Unique visitors | | Pages viewed | |
|--------------|-----------------|---------------|--------------|---------------|
| | 2016 | 2017 | 2016 | 2017 |
| Total | 15,496 | 12,618 | 23,290 | 16,876 |

3. THE NUMBER OF INITIAL APPLICATIONS RECEIVED AND HANDLED

| | 2013 | 2014 | 2015 | 2016 | 2017 |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|
| Applications registered | 6,525 | 6,227 | 6,752 | 6,077 | 6,255 |
| Replies given¹ | 7,659 | 7,156 | 7,684 | 7,137 | 6,704 |

¹ A single request can concern several documents and can consequently give rise to several different replies. On the other hand, several requests can be grouped together in some cases and give rise only to one single reply. This number also includes replies where the European Commission confirmed that it does not hold any documents requested.

4. THE REPLIES GIVEN AT THE INITIAL STAGE

| | 2013 | | 2014 | | 2015 | | 2016 | | 2017 | |
|------------------------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|--------------|-------|
| | No | % | No | % | No | % | No | % | No | % |
| Full access granted | 4,400 | 73.43 | 4,096 | 72.77 | 4,003 | 68.79 | 3,622 | 60.94 | 3,200 | 61.86 |
| Partial access granted | 866 | 14.45 | 668 | 11.87 | 926 | 15.91 | 1,213 | 20.41 | 1,043 | 20.16 |
| Access refused | 640 | 10.68 | 866 | 15.36 | 890 | 15.29 | 1,109 | 18.66 | 930 | 17.98 |
| Total | 5,906 | 100 | 5,630 | 100 | 5,819 | 100 | 5,944 | 100 | 5,173 | 100 |

5. THE NUMBER OF CONFIRMATORY APPLICATIONS RECEIVED AND HANDLED

| | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------------|------|------|------|------|------|
| Applications registered | 236 | 300 | 284 | 295 | 299 |
| Replies given | 252 | 327 | 291 | 257 | 299 |

6. THE REPLIES GIVEN AT THE CONFIRMATORY STAGE

| | 2013 | | 2014 | | 2015 | | 2016 | | 2017 | |
|---|------------|-------|------------|-------|------------|-------|------------|-------|------------|-------|
| | No | % | No | % | No | % | No | % | No | % |
| Full revision – Full access granted | 38 | 20.11 | 51 | 18.75 | 22 | 9.57 | 11 | 5.02 | 14 | 5.43 |
| Partial revision – Partial access granted | 45 | 23.81 | 67 | 24.63 | 73 | 31.74 | 103 | 47.03 | 107 | 41.47 |
| Confirmation of initial reply – Access refused | 106 | 56.08 | 154 | 56.62 | 135 | 58.70 | 105 | 47.95 | 137 | 53.10 |
| Total | 189 | 100 | 272 | 100 | 230 | 100 | 219 | 100 | 258 | 100 |

7. THE REFUSAL OF ACCESS BY EXCEPTION APPLIED (%)

| Exceptions as set out in Article 4 of Regulation 1049/2001 | INITIAL STAGE | | CONFIRMATORY STAGE | |
|---|---------------|------------|--------------------|------------|
| | 2016 | 2017 | 2016 | 2017 |
| 4.1(a), 1st indent – Protection of the public interest as regards public security | 7.29 | 5.41 | 2.39 | 0.33 |
| 4.1(a), 2nd indent – Protection of the public interest as regards defence and military matters | 0.15 | 0.15 | 0 | 0 |
| 4.1(a), 3rd indent – Protection of the public interest as regards international relations | 3.39 | 4.03 | 2.39 | 3.97 |
| 4.1(a), 4th indent – Protection of the public interest as regards the financial, monetary or economic policy of EU or a Member State | 1.42 | 0.96 | 2.79 | 4.64 |
| 4.1(b) – Protection of privacy and the integrity of the individual | 29.76 | 31.33 | 28.29 | 26.16 |
| 4.2, 1st indent – Protection of commercial interests | 13.71 | 16.76 | 15.94 | 13.25 |
| 4.2, 2nd indent – Protection of court proceedings and legal advice | 4.70 | 4.33 | 5.58 | 2.65 |
| 4.2, 3rd indent – Protection of the purpose of inspections, investigations and audits | 16.23 | 17.64 | 20.32 | 35.10 |
| 4.3, first subparagraph – Decision-making process where no decision has been taken yet | 18.78 | 16.33 | 20.32 | 11.92 |
| 4.3, second subparagraph – Decision-making process where the decision has already been taken (opinions for internal use as part of deliberations and preliminary consultations) | 2.95 | 2.11 | 1.99 | 1.99 |
| 4.4. and 4.5. – Refusal by a Member State or a third party ² | 1.60 | 0.96 | / | / |
| Total (%) | 100 | 100 | 100 | 100 |

² This category is not used anymore, as it does not constitute an exception in the sense of Article 4 of Regulation 1049/2001. It still appears as the raw data available did not in all cases enable a ventilation in accordance with the exceptions of Article 4 of Regulation 1049/2001.

8. THE SOCIAL AND OCCUPATIONAL PROFILE OF APPLICANTS (%)

| | INITIAL STAGE | | CONFIRMATORY STAGE | |
|-------------------------------------|---------------|------------|--------------------|------------|
| | 2016 | 2017 | 2016 | 2017 |
| Academic institution/Think tank | 15.96 | 21.61 | 4.41 | 8.36 |
| Company/Business association | 9.73 | 13.57 | 3.05 | 6.69 |
| Journalist | 5.89 | 5.72 | 8.14 | 7.69 |
| Law firm/self-employed attorney | 13.46 | 13.24 | 26.44 | 36.79 |
| MEP/assistant MEP | 4.77 | 1.01 | 3.05 | 3.34 |
| Non-governmental organization (NGO) | 11.88 | 7.45 | 24.75 | 12.71 |
| Not specified (Citizens) | 38.3 | 37.39 | 30.17 | 24.41 |
| Total (%) | 100 | 100 | 100 | 100 |

9. THE GEOGRAPHICAL ORIGIN OF APPLICANTS (%)

| | INITIAL STAGE | | CONFIRMATORY STAGE | |
|----------------|---------------|-------|--------------------|-------|
| | 2016 | 2017 | 2016 | 2017 |
| Austria | 1.35 | 1.07 | 1.02 | 2.34 |
| Belgium | 27.23 | 25.74 | 33.22 | 29.43 |
| Bulgaria | 0.59 | 0.43 | 1.36 | 0.33 |
| Cyprus | 0.07 | 0.08 | 0 | 0.67 |
| Croatia | 0.30 | 0.35 | 0.68 | 0 |
| Czech Republic | 1.51 | 0.75 | 1.69 | 1.34 |
| Denmark | 1.65 | 2.14 | 0 | 1.00 |
| Estonia | 0.23 | 0.43 | 1.02 | 0 |
| Finland | 1.05 | 0.43 | 0.34 | 0 |
| France | 7.95 | 6.60 | 5.08 | 6.02 |
| Germany | 12.56 | 11.97 | 13.22 | 14.38 |
| Greece | 1.51 | 1.14 | 1.69 | 2.01 |
| Hungary | 1.22 | 0.90 | 1.36 | 1.67 |
| Ireland | 1.53 | 1.95 | 1.36 | 2.01 |
| Italy | 6.70 | 6.33 | 9.83 | 6.35 |

| | | | | |
|----------------------------|------------|------------|------------|------------|
| Latvia | 0.23 | 0.13 | 0 | 0 |
| Lithuania | 0.43 | 0.21 | 0 | 0 |
| Luxembourg | 0.82 | 0.85 | 0.34 | 0 |
| Malta | 0.26 | 0.22 | 0.34 | 0 |
| Netherlands | 5.20 | 6.83 | 6.44 | 3.34 |
| Poland | 1.99 | 1.69 | 2.03 | 3.68 |
| Portugal | 1.07 | 0.75 | 0 | 2.34 |
| Romania | 0.58 | 0.77 | 0 | 0.67 |
| Slovakia | 0.28 | 0.35 | 0 | 0.3 |
| Slovenia | 0.21 | 0.24 | 0.34 | 0 |
| Spain | 7.54 | 5.87 | 8.81 | 8.36 |
| Sweden | 1.27 | 0.91 | 0 | 0 |
| United Kingdom | 10.04 | 15.24 | 5.76 | 8.70 |
| Non-EU European countries | 1.65 | 1.82 | 3.05 | 4.01 |
| North America | 0.99 | 2.65 | 0.34 | 0.67 |
| Australia and New Zealand | 0.36 | 0.06 | 0 | 0 |
| Africa | 0.20 | 0.16 | 0 | 0 |
| South America | 0.12 | 0.03 | 0 | 0 |
| Asia | 0.84 | 0.50 | 0.34 | 0 |
| Not specified ³ | 0.49 | 0.40 | 0.34 | 0.33 |
| Total (%) | 100 | 100 | 100 | 100 |

³ This category appears in the statistics because in cases, where the initial application was not submitted via the online tool, it was encoded manually and in certain cases, due to a clerical error, the country of the applicant was not indicated in the IT system used for the management of the access to documents cases (GestDem).

10. THE APPLICATIONS PER COMMISSION DEPARTMENT (%)

| | INITIAL STAGE | | CONFIRMATORY STAGE | |
|---|---------------|------|--------------------|-------|
| | 2016 | 2017 | 2016 | 2017 |
| AGRI – Agriculture and Rural Development | 3.21 | 2.01 | 1.69 | 0.33 |
| BUDG – Budget | 0.72 | 0.50 | 0.34 | 0.33 |
| CLIMA – Climate Action | 1.28 | 1.52 | 1.36 | 1.67 |
| CNECT – Communications Networks, Content and Technology | 2.19 | 2.33 | 2.71 | 6.02 |
| COMM – Communication | 0.66 | 0.30 | 1.02 | 1.00 |
| COMP – Competition | 7.22 | 9.86 | 15.93 | 20.07 |
| DEVCO – International Cooperation and Development | 3.51 | 3.05 | 1.36 | 4.01 |
| DGT – Translation | 0.10 | 0.05 | 0.34 | 0 |
| DIGIT – Informatics | 0.54 | 1.31 | 0 | 0.33 |
| EAC – Education, Youth, Sport and Culture | 0.72 | 0.46 | 0.34 | 1.00 |
| ECFIN – Economic and Financial Affairs | 1.25 | 0.90 | 0.34 | 0 |
| ECHO – European Civil Protection and Humanitarian Aid Operations | 0.56 | 5.29 | 1.02 | 0.33 |
| EMPL – Employment, Social Affairs and Inclusion | 3.16 | 2.78 | 4.07 | 3.01 |
| ENER – Energy | 2.86 | 2.67 | 2.03 | 2.34 |
| ENV – Environment | 4.02 | 3.95 | 3.73 | 3.01 |
| EPSC – European Political Strategy Centre | 0.05 | 0.05 | 0 | 0 |
| EPSO – European Personnel Selection Office | 0.89 | 0.42 | 5.42 | 1.34 |
| ESTAT – Eurostat | 0.28 | 0.13 | 0 | 0.67 |
| FISMA – Financial Stability, Financial Services and Capital Markets Union | 5.63 | 7.48 | 1.36 | 2.34 |
| FPI – Service for Foreign Policy Instruments ⁴ | 1.35 | 0.48 | 0 | 0 |
| GROW – Internal Market, Industry, Entrepreneurship and SMEs | 7.57 | 6.31 | 5.76 | 8.03 |
| HOME – Migration and Home Affairs | 4.29 | 2.46 | 3.39 | 3.34 |
| HR – Human Resources and Security (including OIL (Offices for Infrastructure and Logistics in Luxembourg) + PMO (Office for Administration and Payment of Individual Entitlements)) | 3.01 | 4.17 | 1.69 | 2.68 |
| IAS – Internal Audit Service | 0.05 | 0.10 | 0.34 | 0 |
| JRC – Joint Research Centre | 0.25 | 0.19 | 0 | 1.00 |
| JUST – Justice and Consumers | 3.26 | 2.30 | 6.10 | 5.35 |
| MARE – Maritime Affairs and Fisheries | 0.66 | 1.42 | 0.34 | 1.00 |
| MOVE – Mobility and Transport | 4.67 | 4.27 | 3.05 | 5.02 |

⁴ Since the creation of the European External Action Service (EEAS), only documents of the Service for Foreign Policy Instruments are retained within the European Commission.

| | | | | |
|---|------------|------------|------------|------------|
| NEAR – European Neighbourhood Policy and Enlargement Negotiations | 2.19 | 1.92 | 2.71 | 3.34 |
| OIB – Office for Infrastructure and Logistics in Brussels | 0.08 | 0.13 | 0 | 0 |
| OLAF – European Anti-Fraud Office ⁵ | 0.33 | 0.37 | 0.34 | 0 |
| OP – Publications Office | 0.10 | 0.13 | 0 | 0 |
| REGIO – Regional and Urban Policy | 3.34 | 1.73 | 1.36 | 0.67 |
| RTD – Research and Innovation | 1.43 | 1.97 | 2.37 | 1.34 |
| SANTE – Health and Food Safety | 8.01 | 7.93 | 10.17 | 6.02 |
| SCIC – Interpretation | 0.07 | 0.02 | 0 | 0 |
| SG – Secretariat-General | 8.62 | 5.84 | 6.78 | 3.34 |
| SJ – Legal Service | 3.65 | 3.69 | 4.41 | 3.34 |
| TAXUD – Taxation and Customs Union | 4.18 | 4.86 | 6.10 | 5.69 |
| TF 50 – Task Force (Brexit) | 0 | 0.42 | 0 | 0.67 |
| TRADE – Trade | 4.03 | 4.24 | 2.03 | 1.34 |
| Total (%) | 100 | 100 | 100 | 100 |

⁵ The data for the European Anti-Fraud Office (OLAF) concern the applications for access to documents as regards its administrative activities, which are recorded in the same IT system as used by other European Commission departments (GestDem). The applications for access to documents concerning OLAF's investigative activities are not the subject of this report.