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European Union

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COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.: COM(2022) 498 final/2

Subject: ANNEX to the REPORT FROM THE COMMISSION on the application in 2021 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents

Delegations will find attached document COM(2022) 498 final/2.

Encl.: COM(2022) 498 final/2



Brussels, 3.10.2022
COM(2022) 498 final/2

ANNEX

CORRIGENDUM

This document replaces COM(2022) 498 final of 3.10.2022.

Correction of the title.

Concerns the English language version of the annex only.

The text shall read as follows

ANNEX

to the

REPORT FROM THE COMMISSION

**on the application in 2021 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 OF COMMISSION DOCUMENTS

	C	COM	JOIN	OJ	P	PV	SEC	SWD	Total
2020	15,726	1,839	50	119	5	79	1,553	478	19,849
2021¹	11,608	1,160	49	68	3	57	1,479	585	15,009

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

	VISITORS	PAGES VIEWED
2020	14,716	24,429
2021	15,222	33,508

3. THE NUMBER OF INITIAL APPLICATIONS RECEIVED AND HANDLED

	2017	2018	2019	2020	2021
Applications registered	6,255	6,912	7,445	8,001	8,420
Replies given ²	6,716	7,257	8,449	9,181	9,141
Replies given based on Regulation (EC) No 1049/2001	5,181	6,117	7,612	8,164	8,280

¹ The European Commission released the new Register of Commission Documents on 17 May 2021. It started using the new publication method on 1 May 2021. It features a number of improvements related to search, presentation of documents and publication of documents (e.g. same documents are published only once). This resulted in a decrease of the number of documents published compared to the 2020 figures.

² 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 encompasses all types of follow-ups provided by the European Commission, extending from replies provided under Regulation (EC) No 1049/2001 (including replies where no documents are held); to responses provided under different legal frameworks (due to the contents of the application or status of the applicant, etc.); or closures following the applicants' failure to provide requested clarifications or fulfil procedural requirements.

4. THE NUMBER OF CONFIRMATORY APPLICATIONS RECEIVED AND HANDLED

	2017	2018	2019	2020	2021
Applications registered	299	318	334	309	355
Replies given	300	326	319	298	297
Replies given based on Regulation (EC) No 1049/2001	259	288	296	265	247

5. THE REPLIES GIVEN PER DIRECTORATE-GENERAL OR SERVICE

	INITIAL STAGE (%)		CONFIRMATORY STAGE (%)	
	2020	2021	2020	2021
Secretariat-General – SG	10.22	9.89	7.77	11.27
Legal Service – SJ	2.71	2.38	4.53	0.85
Directorate-General for Communication – DG COMM	0.24	0.30	0.65	0.28
Inspire, Debate, Engage and Accelerate Action – IDEA	0.02	0	0	0
Task Force for Relations with the United Kingdom – UKTF ³	0.37	0.12	0.97	0.28
Directorate-General for Budget – DG BUDG	1.01	1.08	0.97	1.41
Directorate-General for Human Resources and Security Human including Office for Infrastructure and Logistics in Luxembourg and Office for Administration and Payment of Individual Entitlements – DG HR, OIL, PMO	2.77	1.50	3.24	2.82
Directorate-General for Informatics – DG DIGIT	0.32	0.52	0.32	0.28
Internal Audit Service – IAS	0.04	0.11	0.32	0
European Anti-Fraud Office ⁴ – OLAF	0.20	0.32	0	0
Directorate-General for Economic and Financial Affairs – DG ECFIN	1.69	1.03	2.91	0
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs – DG GROW	7.14	8.35	4.85	5.35
Directorate-General for Defence Industry and Space DG DEFIS	0.61	0.58	0.65	1.13
Directorate-General for Competition – DG COMP	6.17	4.63	15.21	6.20

³ The Task Force for Relations with the United Kingdom – UKTF ceased to exist on 1 March 2021.

⁴ 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.

Directorate-General for Employment, Social Affairs and Inclusion – DG EMPL	2.56	1.58	3.56	3.10
Directorate-General for Agriculture and Rural Development – DG AGRI	2.50	2.30	1.62	4.51
Directorate-General for Mobility and Transport – DG MOVE	4.50	3.82	0.97	1.41
Directorate-General for Energy – DG ENER	3.84	2.93	8.09	5.63
Directorate-General for Environment – DG ENV	3.31	6.05	3.88	3.94
Directorate-General for Climate Action – DG CLIMA	1.99	2.32	0.65	1.97
Directorate-General for Research and Innovation – DG RTD	1.36	1.31	0.97	0.28
Directorate-General for Communications Networks, Content and Technology – DG CNECT	2.71	2.70	1.62	3.66
Joint Research Center – JRC	0.21	0.50	0.65	0.85
Directorate-General for Maritime Affairs and Fisheries – DG MARE	0.69	0.93	0.97	1.41
Directorate-General for Financial Stability, Financial Services and Capital Markets Union – DG FISMA	4.00	3.94	1.29	7.04
Directorate-General for Regional and Urban Policy – DG REGIO	1.75	1.15	0.65	1.97
Directorate-General for Structural reform Support – DG REFORM	0.10	0.24	0.32	0
Directorate-General for Taxation and Customs Union – DG TAXUD	4.70	3.37	3.24	5.07
Directorate-General for Education, Youth, Sport and Culture – DG EAC	0.61	0.62	0	0.56
Directorate-General for Health and Food Safety – DG SANTE	7.69	7.80	8.74	7.89
Health Emergency Preparedness and Response Authority – HERA ⁵	0	0.58	0	1.69
Directorate-General for Migration and Home Affairs – DG HOME	4.81	2.92	3.56	4.79
Directorate-General for Justice and Consumers – DG JUST	3.01	4.18	3.88	5.92
Directorate-General for Trade – DG TRADE	3.81	3.09	5.18	3.10
Directorate-General for Neighbourhood Policy and Enlargement Negotiations – DG NEAR	2.25	3.41	2.27	1.69
Directorate-General for International Partnerships – DG INTPA ⁶	7.29	10.95	1.62	1.97

⁵ Health Emergency Preparedness and Response Authority – HERA was launched as a new European Commission Directorate-General on 16 September 2021.

⁶ Directorate-General for International Cooperation and Development – DG DEVCO officially became Directorate-General for International Partnerships – DG INTPA on 16 January 2021.

Directorate-General for European Civil Protection and Humanitarian Aid Operations – DG ECHO	0.72	0.43	0.65	0.56
Eurostat – ESTAT	0.26	0.13	0.97	0
Directorate-General for Interpretation – DG SCIC	0.02	0.01	0	0
Directorate-General for Translation – DG DGT	0.06	0.07	0.32	0
Publications Office of the European Union – OP	0.04	0.06	0	0
Service for Foreign Policy Instruments ⁷ – FPI	1.49	1.53	0.65	0
Office for Infrastructure and Logistics in Brussels – OIB	0.02	0.12	0	0
European Personnel Selection Office – EPSO	0.15	0.15	1.29	1.13
Total (%)	100	100	100	100

6. THE SOCIAL AND OCCUPATIONAL PROFILE OF APPLICANTS

	INITIAL STAGE (%)		CONFIRMATORY STAGE (%)	
	2020	2021	2020	2021
Academic institution/Think tank	10.69	8.98	6.15	6.20
Company/Business association	11.72	10.64	7.12	8.45
Journalist	7.90	8.03	15.53	12.68
Law firm/self-employed attorney	8.92	8.86	12.94	14.37
MEP/assistant MEP	1.30	1.24	3.24	3.10
Non-governmental organization (NGO)	5.96	11.21	14.89	16.90
Member States under Regulation (EC) No 1049/2001	1.50	0.44	0.32	0.28
(Sub)national authority	0.66	0.40	0	0
Not specified (Citizens)	51.34	50.20	39.81	38.03
Total (%)	100	100	100	100

7. THE GEOGRAPHICAL ORIGIN OF APPLICANTS

	INITIAL STAGE (%)		CONFIRMATORY STAGE (%)	
	2020	2021	2020	2021
EU MEMBER STATES				
Belgium	30.63	33.33	27.51	38.87

⁷ 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.

Bulgaria	0.49	0.48	0.97	0.56
Czech Republic	1.12	0.90	1.29	1.97
Denmark	1.71	1.64	0.32	1.97
Germany	11.91	11.56	15.53	8.45
Estonia	0.25	0.26	0	0
Ireland	1.51	1.53	1.94	2.82
Greece	1.34	0.76	3.56	0
Spain	5.16	6.79	6.80	7.04
France	8.81	8.22	6.47	4.79
Croatia	0.19	0.40	0.32	0.56
Italy	7.65	6.52	6.80	8.17
Cyprus	0.12	0.18	0	0
Latvia	0.14	0.18	0.65	0.28
Lithuania	0.50	0.26	0.65	0.28
Luxembourg	1.06	0.93	0.32	0.28
Hungary	0.79	0.65	1.29	0.28
Malta	0.32	0.15	0.32	0.56
Netherlands	5.85	4.45	8.41	9.86
Austria	1.94	1.71	1.29	0.85
Poland	1.97	1.91	2.27	0.28
Portugal	0.61	0.87	0.32	0.28
Romania	0.79	0.75	0.32	0.28
Slovenia	0.31	0.29	0.32	0.28
Slovakia	0.50	0.33	0.32	0.28
Finland	1.14	1.06	1.29	1.13
Sweden	1.46	2.11	0.32	0.85
THIRD COUNTRIES				
Non-EU European countries	9.36	9.77	7.77	9.01
Africa	0.11	0.11	0	0
Asia	0.75	0.83	0.32	0
Australia and New Zealand	0.12	0.08	0	0
North America	0.75	0.89	0.32	0
South America	0.12	0.10	0	0
United Kingdom ⁸	0.49	0	1.94	0
Total (%)	100	100	100	100

⁸ Figures for the United Kingdom of Great Britain and Northern Ireland in 2021 are included in Non-EU European countries.

8. THE TYPE OF REPLIES GIVEN AT THE INITIAL STAGE

	2017		2018		2019		2020		2021	
	No	%	No	%	No	%	No	%	No	%
Full access granted	3,201	61.78	3,633	59.39	4,018	52.79	4,549	55.72	3,984	48.12
Partial access granted	1,050	20.27	1,274	20.83	1,888	24.80	2,062	25.26	2,116	25.56
Access refused	930	17.95	969	15.84	980	12.87	834	10.22	1,414	17.08
No documents held	0	0	241	3.94	726	9.54	719	8.81	766	9.25
Total	5,181	100	6,117	100	7,612	100	8,164	100	8,280	100

9. THE TYPE OF REPLIES GIVEN AT THE CONFIRMATORY STAGE

	2017		2018		2019		2020		2021	
	No	%	No	%	No	%	No	%	No	%
Full revision – Full access granted	14	5.40	19	6.60	22	7.43	8	3.02	25	10.12
Partial revision – Partial access granted	108	41.70	98	34.03	136	45.95	91	34.34	70	28.34
Confirmation of initial reply – No (further partial) access granted	137	52.90	120	41.67	89	30.07	131	49.43	116	46.96
No documents held	0	0	51	17.70	49	16.55	35	13.21	36	14.57
Total	259	100	288	100	296	100	265	100	247	100

10. THE REFUSAL OF ACCESS BY EXCEPTION APPLIED

Exceptions as set out in Article 4 of Regulation (EC) No 1049/2001	INITIAL STAGE (%)		CONFIRMATORY STAGE (%)	
	2020	2021	2020	2021
4.1(a), 1st indent – Protection of the public interest as regards public security	6.40	4.52	3.91	2.09
4.1(a), 2nd indent – Protection of the public interest as regards defence and military matters	0.23	0.52	0	0
4.1(a), 3rd indent – Protection of the public interest as regards international relations	5.35	4.91	7.83	16.75
4.1(a), 4th indent – Protection of the public interest as regards the financial, monetary or economic policy of EU or a Member State	1.74	1.67	1.74	8.90
4.1(b) – Protection of privacy and the integrity of the individual	44.08	41.04	26.52	24.08

4.2, 1st indent – Protection of commercial interests	14.24	11.87	14.35	8.90
4.2, 2nd indent – Protection of court proceedings and legal advice	3.77	2.59	2.61	7.33
4.2, 3rd indent – Protection of the purpose of inspections, investigations and audits	11.59	7.79	33.04	25.65
4.3, first subparagraph – Decision-making process where no decision has been taken yet	9.71	23.31	4.78	3.66
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)	2.53	1.25	5.22	2.62
4.4 and 4.5 – Refusal by a Member State or a third party ⁹	0.36	0.52	/	/
Total (%)	100	100	100	100

⁹This category is no longer used, as it does not constitute an exception within the meaning of Article 4 of Regulation (EC) No 1049/2001. Nevertheless, 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 (EC) No 1049/2001.