



Council of the
European Union

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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Draft nineteenth 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

COUNCIL ANNUAL REPORT ON ACCESS TO DOCUMENTS - 2020

I. INTRODUCTION

This is the nineteenth annual report 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 documents¹. It has been drawn up pursuant to Article 17(1) of that Regulation². The report describes trends in requests for access to Council documents in 2020 and reviews complaints to the Ombudsman and rulings given by the European courts in cases concerning the institutions' implementation of the Regulation.

It is recalled that the statistical data which provides the basis for this report is available as [open data on the Council's website](#).

¹ [OJ L 145, 31.5.2001, p. 43](#)

² This article 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*'.

II. THE TRANSPARENCY OF THE COUNCIL DECISION-MAKING PROCESS DURING THE COVID-19 CRISIS

In 2020 the activities of the Council were very much influenced by the exceptional circumstances caused by the COVID-19 crisis, and in particular the difficulties in travel throughout Europe given preventive and containment measures taken by Member States, as well as obligations of physical distancing. As of mid-March 2020, the Council needed to adapt its functioning and decision-making process during this crisis in order to ensure institutional continuity, which had an impact on the transparency of the activities of the Council. This included a temporary derogation from the Council's Rules of Procedure in order to make it easier to use the ordinary written procedure, the organisation of informal video conferences of ministers as well as informal video conferences of the members of working parties. The measures taken by the Council can be summarised as ensuring continuity of decision-making. Measures were also needed to ensure transparency in this new environment.

Temporary derogation for using the ordinary written procedure

On 23 March 2020, the Council adopted, through an ordinary written procedure, [Decision \(EU\) 2020/430](#) on a temporary derogation from the Council's Rules of Procedure in view of the travel difficulties caused by the COVID-19 pandemic in the Union. That derogation consists in facilitating decisions to use the ordinary written procedure for adopting Council acts, where those decisions are taken by the Coreper. Whereas Article 12(1), first subparagraph, of the Council's Rules of Procedure requires unanimity for a Council or a Coreper decision to use the ordinary written procedure, the derogation provides that a Coreper decision to use such procedure should be taken in accordance with the voting rule applicable for the adoption of the Council act concerned.

Council Decision (EU) [2020/430](#) provides that this is renewable, if justified by continued exceptional circumstances. The derogation from the Rules of Procedure, initially introduced for a one-month period, was subsequently extended several times for further periods of a limited duration, as it was deemed justified by continued exceptional circumstances caused by the COVID-19 pandemic with a number of extraordinary preventive and containment measures taken by Member States still in place.

This derogation was intended to allow for the adoption of legal acts through written procedure, at a moment when the Council could not meet. To ensure transparency for the adoption of acts via written procedure, the documents which launch and close the written procedures were made public and documents on voting results continued to be issued. Furthermore, a monthly summary of acts adopted the previous month was issued quickly to ensure adequate publicity for declarations and statements made by the Council members or the Commission.

Informal video conferences of ministers

Given that extraordinary measures taken by Member States made it impossible or very difficult for certain Council members to travel with a view to being physically present at Council meetings held at the Council's seat, informal video conferences of ministers were organised. These informal video conferences need to be distinguished from formal Council meetings. Informal video conferences of ministers are not formal Council meetings. They cannot replace or be a substitute for a Council meeting. No Council acts can be formally adopted at such meetings.

When it became clear that the exceptional situation caused by the coronavirus would persist, organisational measures were taken to ensure that discussions held in informal video conferences of ministers on legislative acts, and other issues which must be open to the public, are held in public. On 3 July 2020, the modalities on the convening, preparation and organisation of informal video conferences of ministers during the COVID-19 crisis were approved by the Council (document [9188/20](#)).

According to these modalities, the agendas of informal video conferences of ministers were made public upon being sent to delegations and the Commission. Discussions at informal video conferences of ministers that, under the Council's Rules of Procedure, had to be held in public were held in public and the papers which were the subject of such discussions were also made public. The agendas for informal video conferences of ministers were added to the Council's website.

Informal video conferences of members of working parties

At the beginning of the pandemic, a CM with a list of essential meetings, including physical meetings of working parties or informal video conferences of the members of such working parties was regularly issued by the GSC and published on the Council's website.

Later on, again when it became clear that the exceptional circumstances were persisting, CMs containing the agendas for the informal [video/tele]conferences were issued, as per usual practice³. Council documents to serve as basis for the discussions are issued, as per usual practice, and mentioned in the agenda. Agendas and relevant documents are also mentioned in the relevant section of the meeting calendar (Council's website).

Treatment of applications for access to documents

The General Secretariat and the Council continued to process requests for access to documents in the usual way. Every effort was deployed to ensure a rapid treatment of requests in spite of the constraints imposed by teleworking. In this sense it may be noted that the average time taken to process initial requests was 17 working days in 2020, exactly the same as the previous year, and the average number of working days to process confirmatory applications in 2020 was down to 34, i.e. three working days below the average in 2019.

Ensuring continuity in full respect of transparency requirements during the COVID-19 crisis

In conclusion, the measures taken by the Council can be summarised as ensuring continuity of decision-making in full respect of transparency requirements.

III. LEGISLATIVE TRANSPARENCY

During its Presidency of the Council of the EU, Finland undertook a pilot initiative by which it sought to implement its commitment to an open and transparent EU, in particular as regards the legislative process.⁴ Building on the practices of the Finnish Presidency, the same approach on legislative transparency was continued under Croatian Presidency. In light of the experience gained in the application of this pilot initiative, and since no difficulties were encountered, Coreper endorsed under German Presidency an approach on strengthening legislative transparency⁵.

The approach endorsed by Coreper for strengthening legislative transparency consists in both issuing more documents as public, and proactively making more legislative documents public. These would add to the legislative documents which were already issued as public such as working party agendas, the documents relating to legislative files submitted to the Council, including progress reports and General Approaches, and the documents relating to the adoption stage.

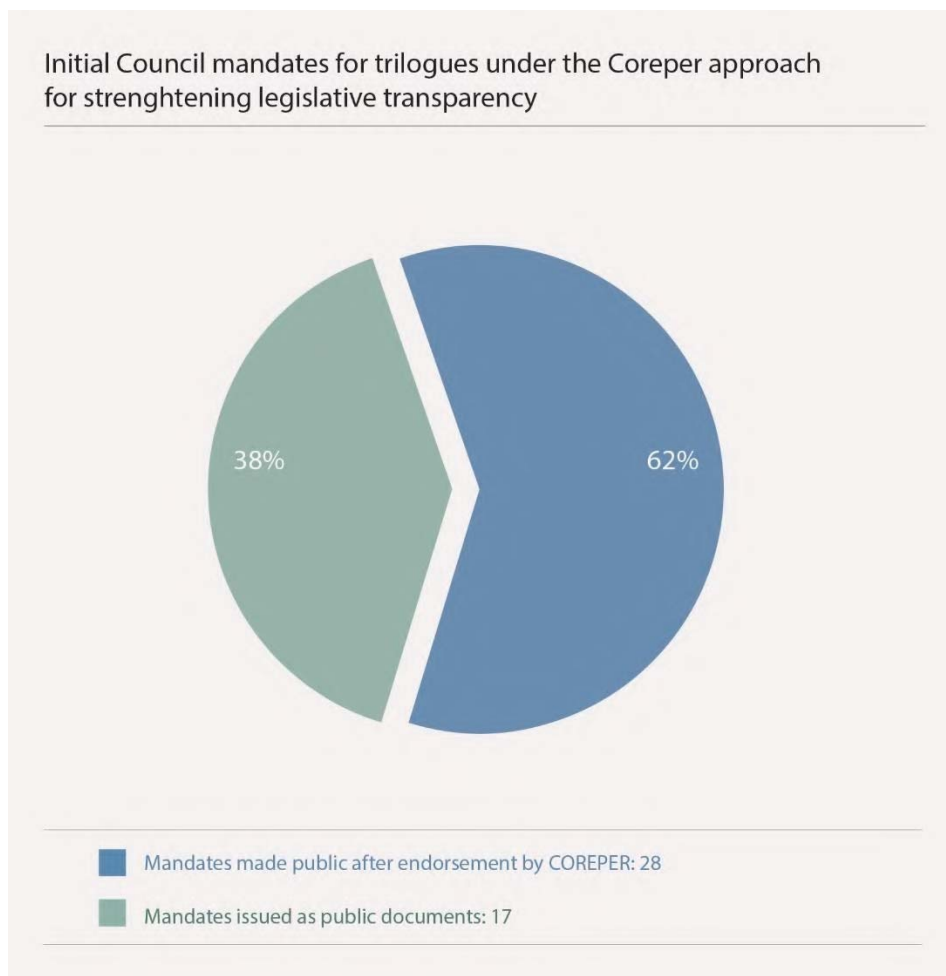
³ It is recalled that for certain working parties the agendas are not public.

⁴ [11999/19](#)

⁵ [9493/20](#)

Now, with the Coreper approach, the four-column document containing the initial positions of the institutions, which marks the beginning of the trilogue negotiations, and the Coreper letter to the European Parliament Committee endorsing the outcome of these negotiations, including the agreed text, are issued as public documents. In addition, the progress reports submitted to Coreper, the initial Council mandates to start trilogues, as well as the final position of the Council reflecting the final outcome of trilogue negotiations, are proactively made public after examination by Coreper. This is particularly noteworthy for the initial Council mandates, where the new approach removed the possibility to object to the publication of a mandate to start trilogues endorsed at the level of Coreper.

As a result, under the German Presidency of the Council, all 45 initial Council mandates to start trilogues were public.

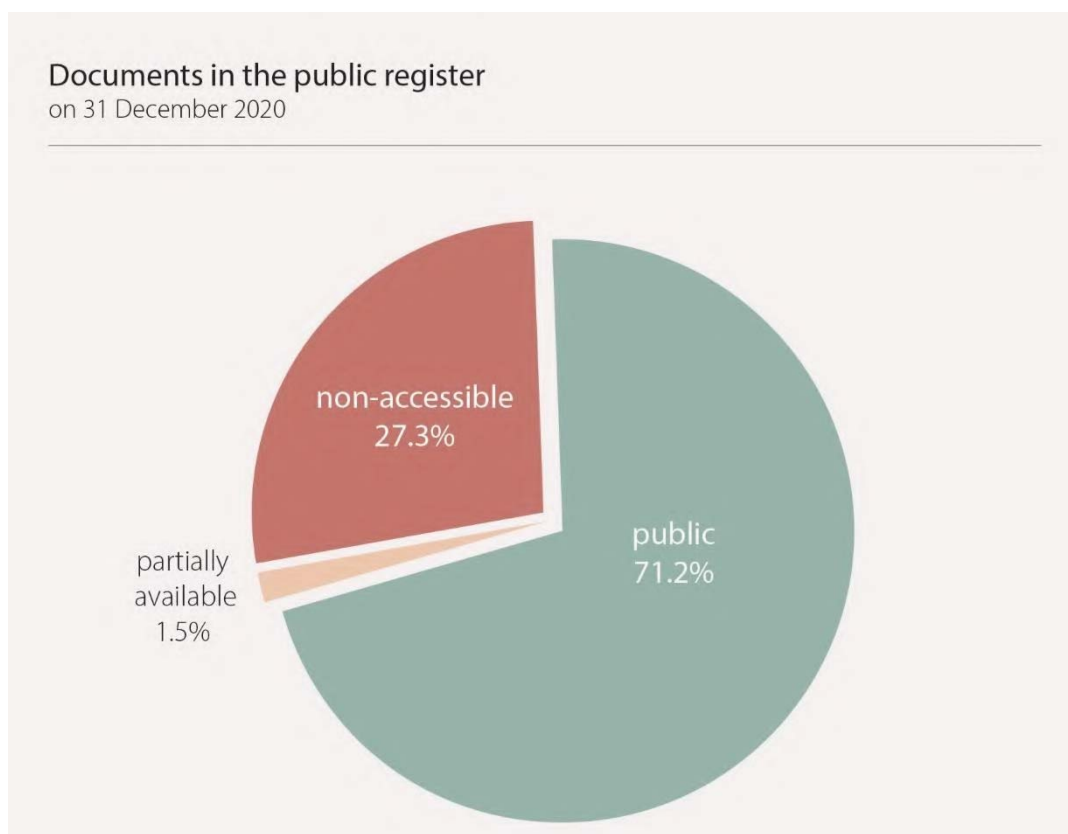


IV. REQUESTS FOR ACCESS TO DOCUMENTS IN 2020

1. The public register

In 2020, the register attracted 4 % of the Council website's traffic. It was consulted nearly 400 000 times. Of more than 340 000 visitors, 24 % arrived at the register through web search engines, 70 % came via a direct link and 5 % were redirected from another website. 24 % of the visitors were based in Belgium, 9 % in Germany, 8 % in France, 7 % in the United Kingdom, and 6 % in Italy.

On 31 December 2020, the public register listed 440 148 original language documents (3 278 717 documents including all language versions). Of the total number of original language documents listed in the register, 71.2 % (313 253 documents) were public and available to download.

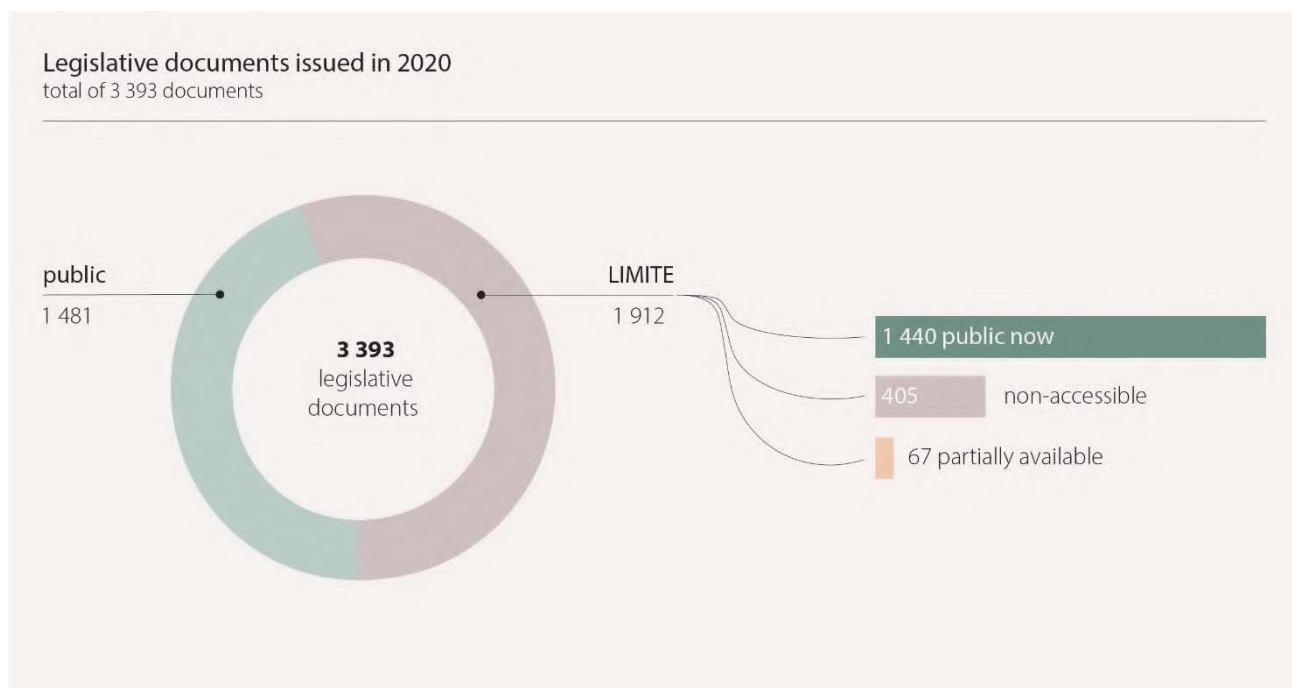


Throughout 2020, 22 375 original language documents were added to the register, of which 72.8 %, or 16 306 documents, are public and available to download. In 2020, the Council issued 12 326 documents that were available to the public upon circulation and it issued 9 589 LIMITE documents. It added to the register 345 documents that are partially available to the public.

In 2020, 460 classified documents⁶ were referenced in the register and the Council issued 379 classified documents which are not listed in the register.

Legislative documents

During the period covered by this report, 3 393 legislative documents⁷ were added to the register, 1 481 of which were issued as ‘public’ upon circulation. Of the remaining 1 912 legislative documents issued as LIMITE (with a reference in the register but not directly accessible), 1 440 documents were made public upon request. 86 % of the legislative documents added in the register in 2020 are thus fully available to the public.

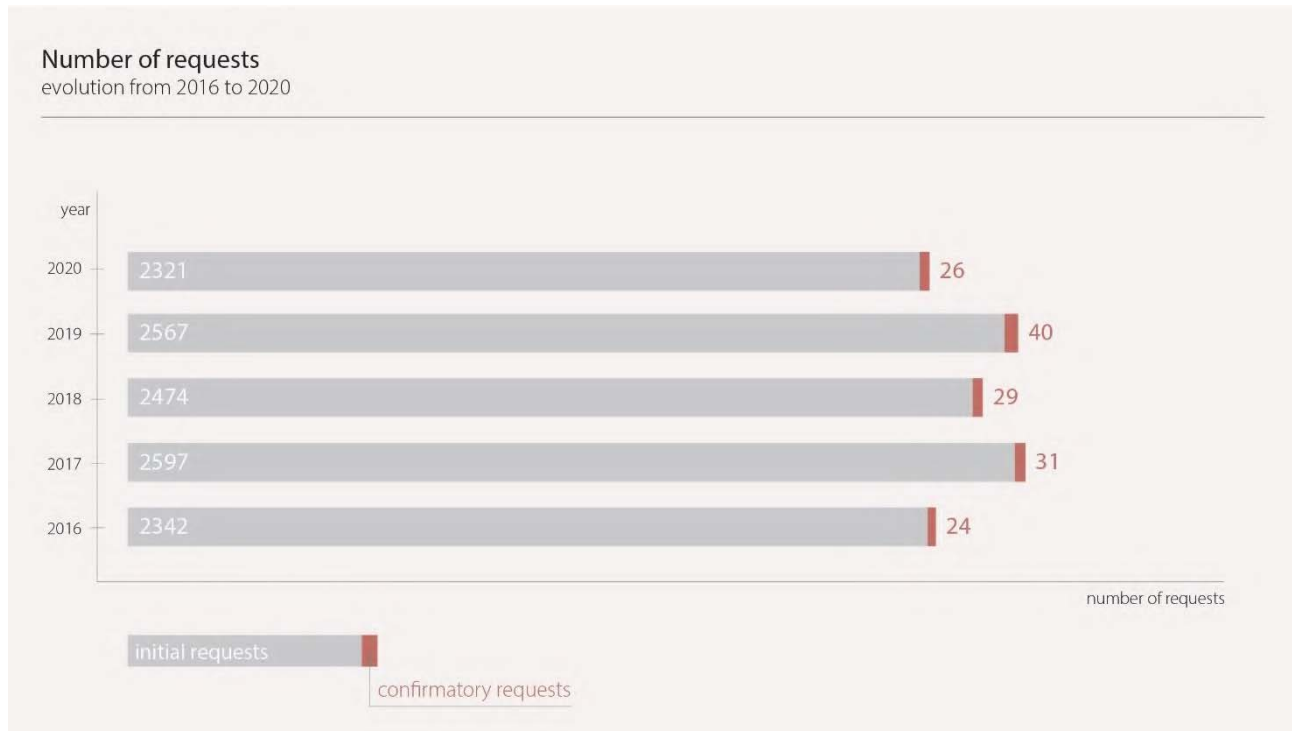


⁶ As established by Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

⁷ 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.

2. Requests for access to documents

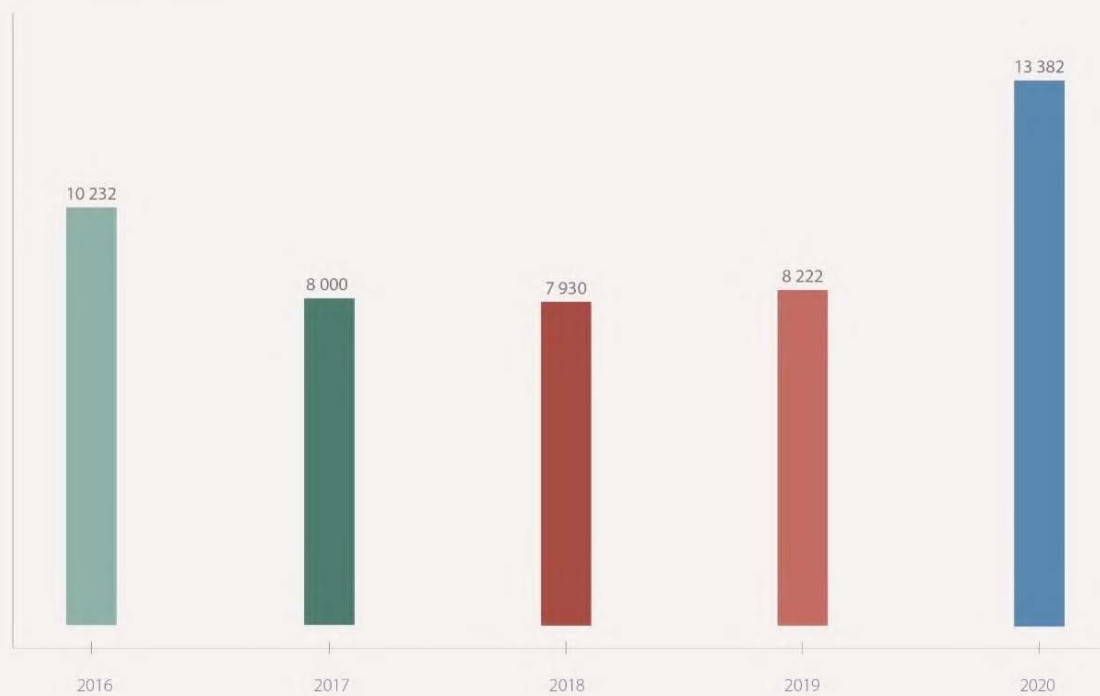
In 2020, the Council received 2 321 initial requests for access to documents and 26 confirmatory applications⁸, which required 13 382 documents to be analysed. This represents an increase of more than 62 % in comparison with the number of documents which were analysed in 2019.



⁸ In case of a total or partial refusal, the applicant may, within 15 days of receiving the institution's reply, make a confirmatory application asking the institution to reconsider its position.

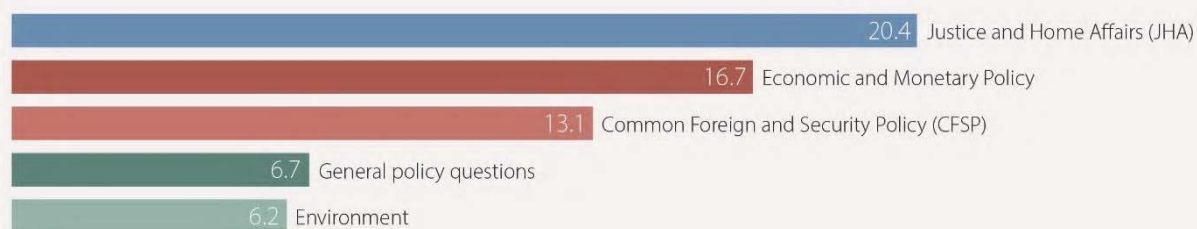
Number of requested documents

evolution from 2016 to 2020

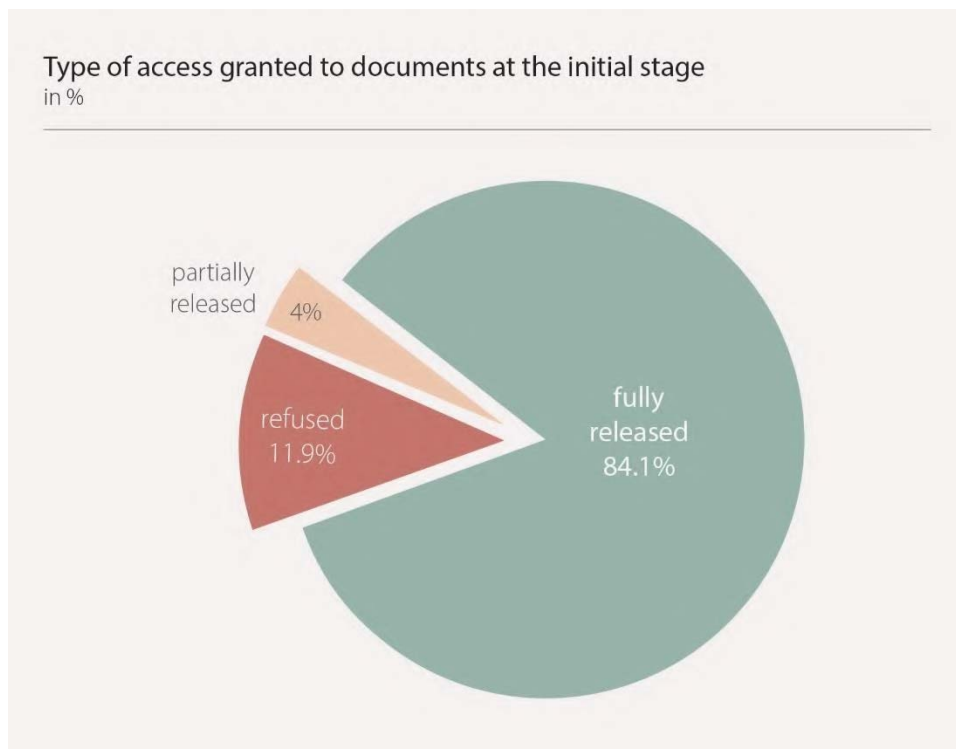


Main policy areas of requested documents

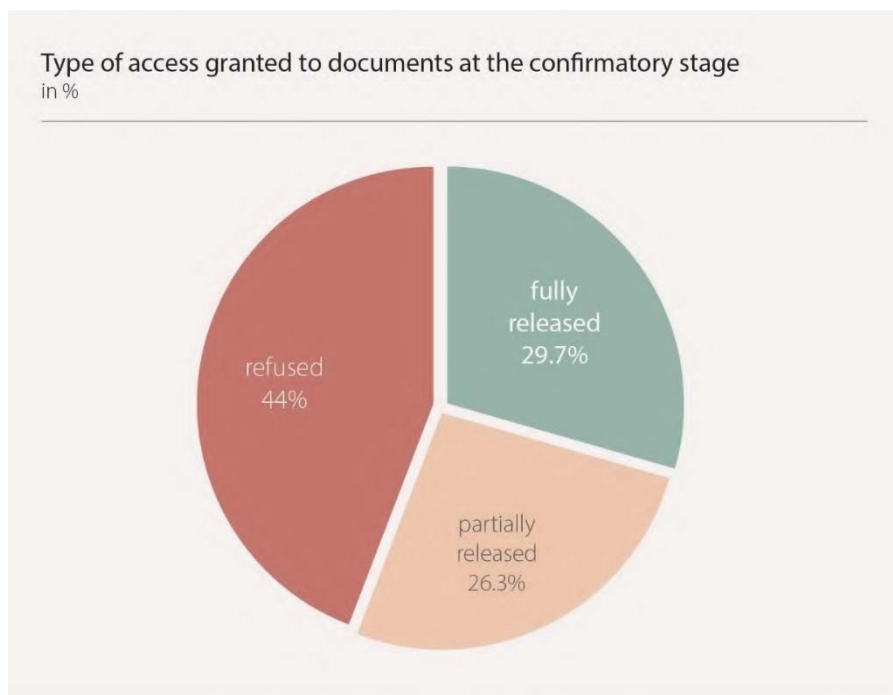
in %



At the initial stage, full access was granted to 11 254 documents (84.1 %) and partial access to 542 documents (4 %). Access was refused to 1 586 documents (11.9 %).



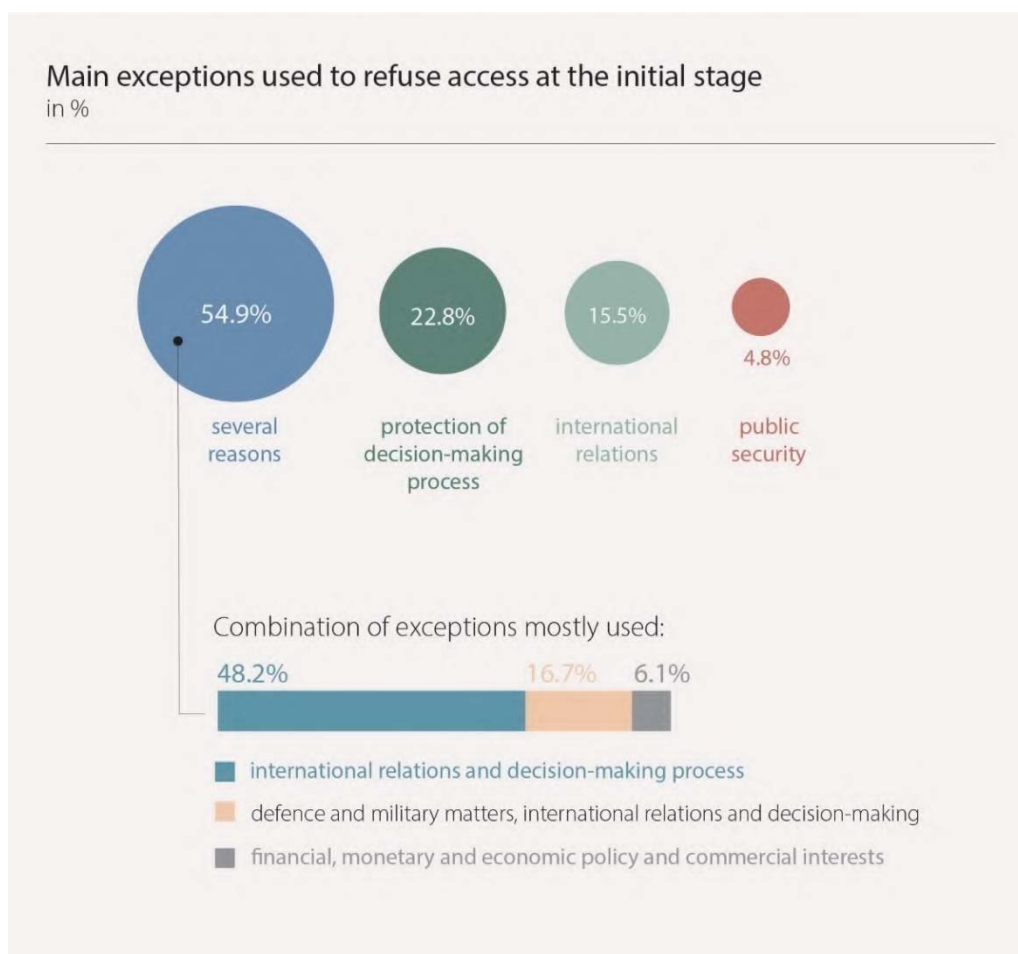
Following confirmatory applications, full access was granted to 35 documents and partial access to 31 documents. The Council confirmed that access should be refused to 52 documents.



Exceptions used to refuse access

At the initial stage, access was refused to documents mainly in order to protect the Council's decision-making process (343 times, or 22.8 %), to protect the public interest as regards international relations (233 times, or 15.5%), and for reasons of public security (72 times, or 4.8%).

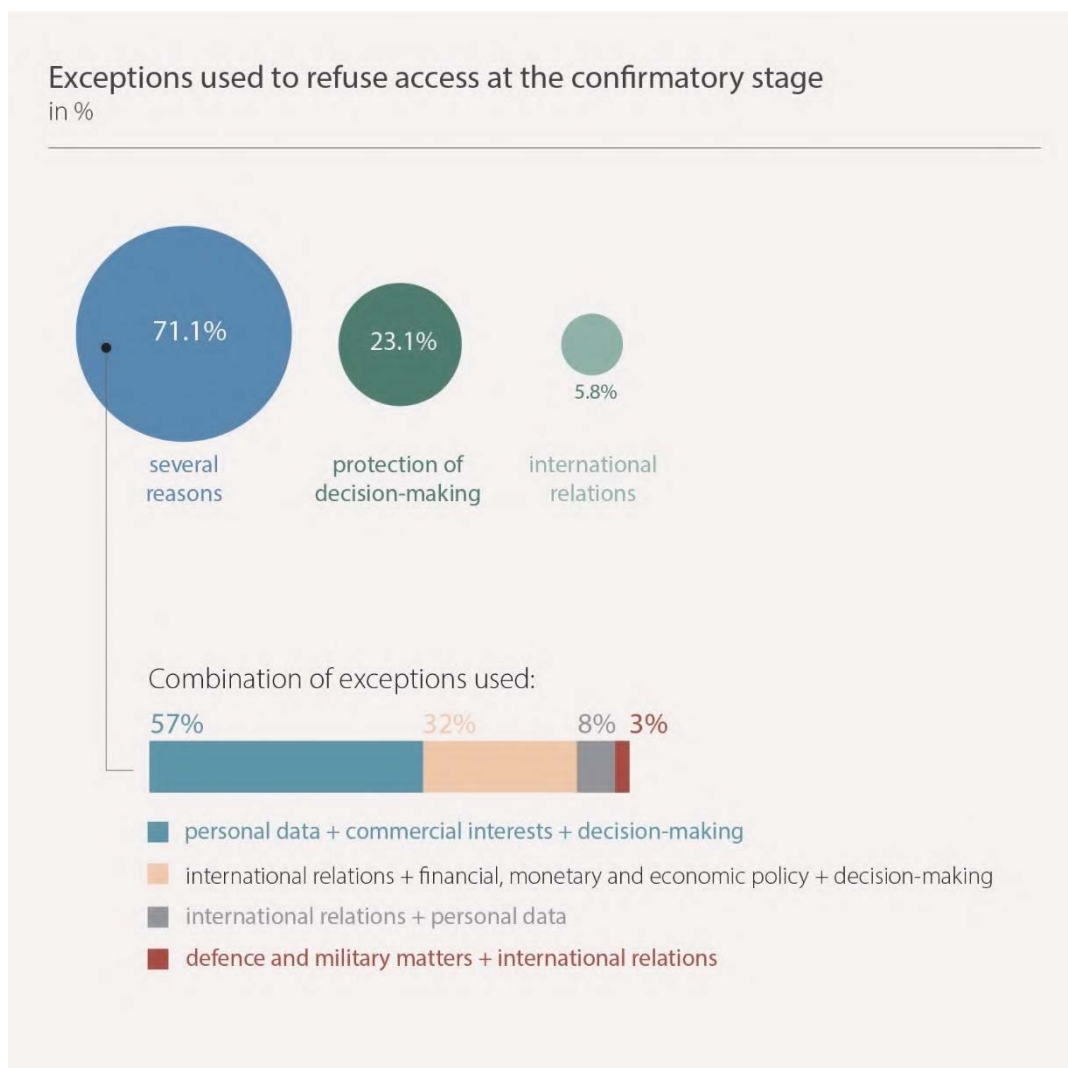
In 54.9% of cases (827 times), documents were refused based on a combination of several exceptions. In these cases, access was denied mainly to protect the public interest as regards international relations as well as the Council's decision-making process (399 times, or 48.2 %). The combination of the protection of public interest as regards defence and military matters, the international relations and the Council's decision-making process was used 138 times, or in 16.7 % of the cases in which several exceptions were used. In 51 cases, the combination of the protection of the public interest as regards the financial, monetary and economic policy of the Community or a Member State together with the protection of the commercial interests of a natural or legal person, including intellectual property was used (i.e. in 6.1 % of cases).



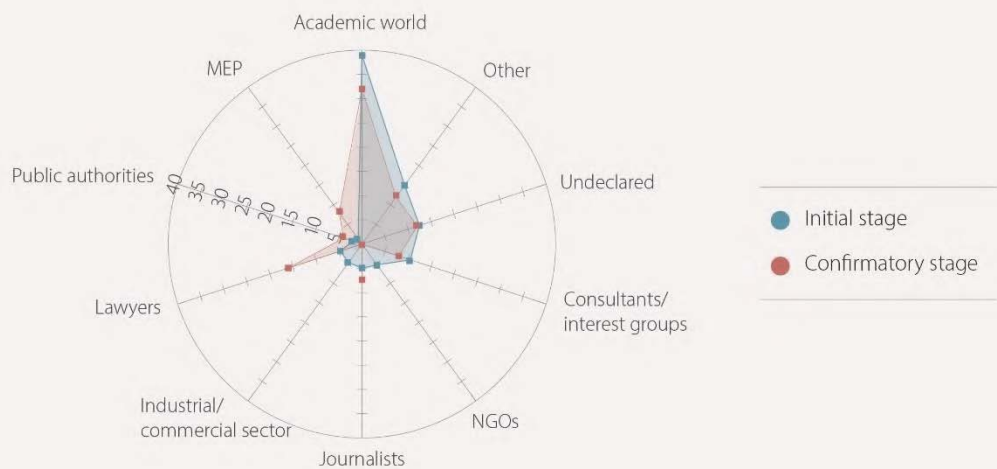
In more than a quarter of the cases, partial access was granted based on a combination of several exceptions.

The most used exceptions in justifying the granting of partial access only were the protection of the public interest as regards international relations and the protection of the personal data (28.8 % and 26 % respectively).

At the confirmatory stage, documents were mostly refused (71.1 %) or only partially released (80.6 %) due to a combination of exceptions. Access was also totally refused to documents in order to protect the decision-making process (23.1 %) and the public interest as regards international relations (5.8 %).

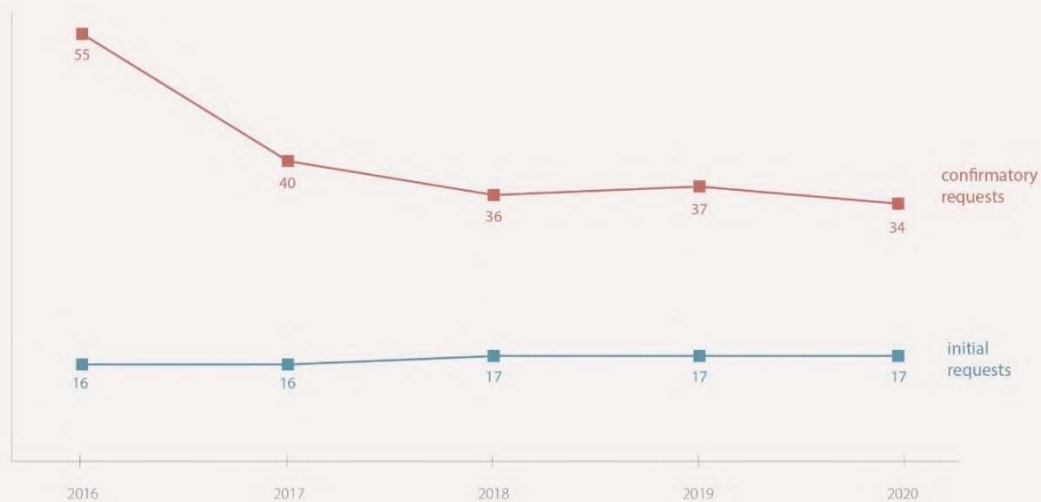


Professional profile of the applicants
at the initial and at the confirmatory stage (in %)



It took the GSC on average 17 working days to process initial requests and 34 working days to process confirmatory applications.

Average working days for the GSC to process requests
evolution from 2016 to 2020



The deadline of 15 working days for processing initial requests was extended for 776 requests, i.e. in 33.4% of cases. The deadline was extended for all the confirmatory applications.

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

V. COMPLAINTS LODGED WITH THE EUROPEAN OMBUDSMAN, OWN-INITIATIVES INQUIRIES, STRATEGIC INITIATIVES BY THE EUROPEAN OMBUDSMAN AND LEGAL ACTION IN THE FIELD OF TRANSPARENCY/ACCESS TO DOCUMENTS

1. Complaints lodged with the European Ombudsman

In 2020, the Council was notified of one complaint addressed to the European Ombudsman following a request for access to information, a letter of the European Ombudsman addressed to the President of the European Council on the *Transparency of the EU COVID-19 crisis response* and an own-initiative inquiry on the transparency of Council decision-making during COVID-19 crisis.

In addition to the above, the Ombudsman received a complaint regarding access to documents concerning the European Council but concluded - even without notifying this case to the European Council before its decision was reached - that there was no maladministration on behalf of the European Council.

Two complaints received in 2019 are still included in this report since there were some developments in those cases in 2020.

Complaint 640/2019/TE

In May 2019, the Ombudsman opened an inquiry into a complaint submitted by an environmental law organisation regarding the Council's decision-making process leading to the adoption of the annual regulations fixing the fishing opportunities for certain fish stocks ('total allowable catches' or 'TACs' Regulations).

The Council had disclosed all the documents requested by the applicant within the deadlines established by Regulation (EC) No 1049/2001.

At the request of the Ombudsman an inspection and discussion with the Council's representatives took place in June 2019, in accordance with Article 3(2) of the Statute of the Ombudsman.

On the basis of the inquiry, the Ombudsman made the following draft recommendation to the Council on 25 October 2019: *'The Council should proactively make public documents related to the adoption of the TAC Regulation at the time they are circulated to Member States or as soon as possible thereafter'*.

The Ombudsman placed particular emphasis on documents giving a comprehensive account of the different positions expressed by the members of the Council during the negotiations leading to the annual adoption of such regulations, i.e. during the decision-making process.

In that draft recommendation, the Ombudsman also invited the Council to submit a detailed opinion in accordance with Article 3(6) of the Statute of the Ombudsman.

On 27 January 2020, the Council approved its detailed opinion⁹ on this case and transmitted it to the Ombudsman. In this opinion, the Council concluded that *'(...) In light of the above, and taking into account that the relevant documents have been made publicly available as soon as the exception under Article 4(3), first subparagraph, of Regulation 1049/2001 ceased to apply and bearing in mind the Council's institutional autonomy which entails a margin of appreciation when assessing whether proactive disclosure would adversely affect the decision-making process at stake, the Council considers that no instances of maladministration can be found'*.

Further to the detailed opinion, on 29 April 2020, the Ombudsman replied by sending its final decision reiterating its previous draft recommendation. In response, the Council approved the text of a letter reiterating the Council's Detailed Opinion of January 2020.

Complaint 1069/2019/MIG¹⁰

This complaint, received on 15 July 2019, concerns the commercial sponsorship of the Presidency of the Council of the European Union.

⁹ [5266/20](#)

¹⁰ This complaint is mentioned in this report, even though it is not linked to an access to documents request, since it concerns transparency in broad terms.

In its initial reply to the European Ombudsman of 23 October 2019, the Council stressed that a distinction should be made between the activities of the Presidency when exercising the role vested in it by the Treaties and the Council's Rules of Procedure (e.g. coordinating and chairing meetings in the Council and its preparatory bodies, setting the draft agenda for the meetings, suggesting compromise solutions and negotiating on behalf of the Council to reach agreements on legislative files with other institutions) and other activities organised by the Member State holding the Presidency which do not fall within the institutional framework of the Council (cultural, touristic and scientific events such as concerts, exhibitions, conferences, seminars, or informal meetings).

As regards the latter activities, the Council underlined that they remain under the responsibility of the Member State holding the Presidency and recalled that the Council as an institution acts within the limits of the powers conferred upon it by the Treaty. It stressed that it cannot take responsibility for the financing of such activities and that their organisation, including the decision to seek sponsorship, is a matter for the Member State authorities concerned.

In its draft recommendation of 6 January 2020, the Ombudsman considered that such a distinction is not perceptible or relevant to the wider public. The Ombudsman found that the Council's stance that it has no responsibility when it comes to commercial sponsorship of a Council Presidency and its consequent inaction amounts to maladministration and concluded that the Council should issue guidance to Member States on the issue of sponsorship of the Presidency to mitigate the reputational risks to the EU.

The Council sent a detailed opinion on this draft recommendation to the Ombudsman on 6 May 2020. This detailed opinion specifies that the Council will explore the possibility of providing best practice guidance so that the Member States holding future Presidencies are aware of possible reputational risk to the EU that could be caused by sponsorship when assessing the possible recourse to sponsorship.

The Ombudsman closed the case by Decision of 29 June 2020 with the following conclusion: 'The Council of the EU has accepted the Ombudsman's recommendation on guidance for Member States on the issue of sponsorship of the Presidency. The Ombudsman urges the Council to follow-up on the issue without delay.'

Complaint 569/2020/DDJ¹¹

This case concerns the complaint from a citizen addressed to the European Ombudsman on 20 March 2020, contending that he did not receive a reply to a letter addressed to the President of the European Council in May 2019.

After re-examination of the case, it appeared that there was no concrete question in the citizen's request. Nevertheless an additional explanation of the initial receipt notification was sent to the applicant on 6 May 2020.

After notification of this additional reply to the Ombudsman, the case was closed on 11 May 2020.

Complaint 1219/2020/MIG

This complaint was not communicated to the GSC since the Ombudsman considered that there was enough information to conclude on the absence of maladministration on behalf of the European Council from the elements comprised in the case file.

The case concerns an access to documents request covering public access to *'all text messages (i.e., SMS messages) and other mobile-phone based text communications (e.g., WhatsApp, Telegram, iMessage, Facebook Chat, Snapchat, Slack, Facebook and Twitter 'direct messages', Signal Messenger, Wire, etc.) sent by - or on behalf of - Council President Donald Tusk in exchange with EU and foreign heads of state or heads of government in 2018.'*

The initial position of the General Secretariat of the Council saying it did not hold any documents matching the description in the complainants' access request was confirmed by the European Council in the confirmatory phase.

Based on her inquiry, the Ombudsman closed this case by Decision of 26 October 2020 with the following conclusion:

'There was no maladministration by the European Council in denying public access based on the ground that it does not hold relevant documents.

That having been said, the EU institutions should make every effort to reflect the reality of modern communications, and the increased use of text and instant messaging, in their document management rules and practices.'

¹¹ This complaint does not concern a request for access to documents but a request for information.

2. European Ombudsman's strategic initiative

Strategic initiative: Transparency of the EU COVID-19 crisis response

In a letter dated 20 April 2020 addressed to the President of the **European Council**, the Ombudsman set out some observations related to EU transparency applicable to the EU COVID-19 crisis response.

3. European Ombudsman's own-initiative inquiry

Own-Initiative Inquiry OI/4/2020 TE on the Transparency of Council decision-making during the COVID-19 crisis

By letter of 27 July 2020, the European Ombudsman launched an own-initiative inquiry on the Transparency of the Council decision-making during the COVID-19 crisis.

In her letter she requested the inspection of a document related to *'Exceptional measures on the continuation of decision-making in the Council'*, all documents related to two specified legislative files and three others to be chosen by the Council, and all documents related to the functioning of three Council working parties.

The inspection took place on 13 November 2020 and the inspection report was received on 13 January 2021.

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

4. Court cases

In 2020, there was one case pending before the General Court challenging the legality of a Council decision refusing to grant public access pursuant to Regulation (EC) No 1049/2001.

In case T-252/19 *L. Pech v. Council*, the applicant seeks the annulment of the Council's decision to refuse full public access to an opinion of the Council Legal Service (ST 13593/18 INIT). Both the written and the oral part of this procedure are closed and the delivery of the judgment of the General Court is awaited.

VI. PUBLICATION OF DOCUMENTS PURSUANT TO ARTICLE 11(6) OF ANNEX II TO THE COUNCIL'S RULES OF PROCEDURE

The GSC made public 1 070 preparatory documents relating to 61 legislative acts that were adopted in 2020.

VII. VOTING RESULTS

In 2020, the GSC prepared 80 voting results for legislative acts which were adopted by the Council throughout the year.

VIII. REQUESTS FOR INFORMATION

In addition to the requests for access to documents, the General Secretariat of the Council also receives requests for information. These requests are submitted via different means: emails, electronic forms (available on the Council website), letters and phone calls.

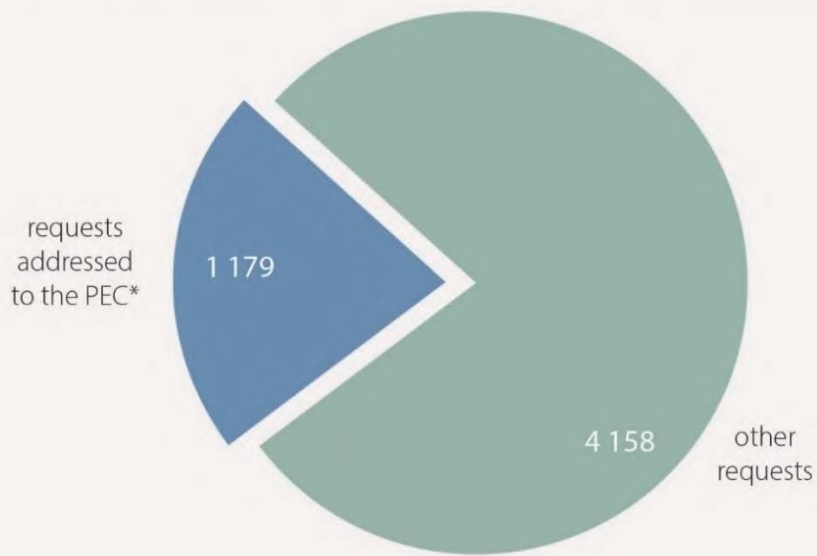
During 2020, the GSC responded to 5 337 requests for information. These replies were sent as follows:

- 4 607 emails (this figure includes requests received by emails and via the electronic forms)
- 589 letters
- 141 phone calls

1 179 of the requests replied to were addressed to the President of the **European Council (PEC)**.

Requests for information

total of 5 337 requests



*PEC: President of the European Council

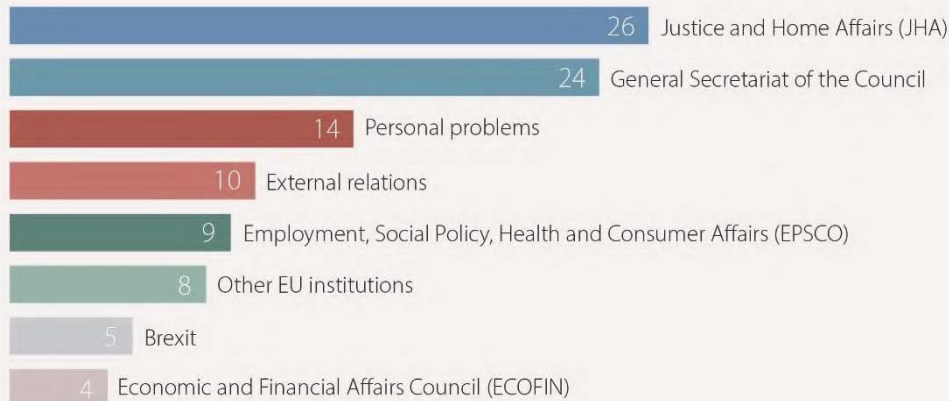
The requests received by the GSC concerned EU policy themes and a variety of other subjects.

In 2020, the main areas concerned by these requests were the following :

- Justice and Home Affairs: 26 %
- General Secretariat of the Council (GSC): 24 %
- Personal problems: 14 %
- External relations: 10 %
- Employment, Social Policy, Health and Consumer Affairs Council (EPSCO): 9%
- Other EU institutions: 8 %
- Brexit: 5 %
- ECOFIN: 4 %

Areas of requests for information

in %



Under ‘GSC’, the GSC received requests regarding the following:

- requests for financial support/sponsorship from the PEC
- autographed photos of the PEC
- promotional items
- state of play of ongoing legislative files
- Council publications
- information on careers/traineeships
- contact details of officials.

The GSC also receives a significant number of emails and letters which are either spam or incomprehensible, or, in the case of letters, do not include a contact address.

In 2020, the total number of ‘sans suite’ letters was 238.

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

2016	2017	2018	2019	2020
2 342	2 597	2 474	2 567	2 321

2. Number of documents requested by initial requests

2016	2017	2018	2019	2020
10 232	8 000	7 930	8 222	13 382

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

2016		2017		2018		2019		2020	
7 774		6 144		6 141		6 615		11 796	
partial 501	full 7 273	partial 678	full 5 466	partial 413	full 5 728	partial 470	full 6 145	partial 542	full 11 254

4. Number of confirmatory applications

2016	2017	2018	2019	2020
24	31	29	40	26

5. Number of documents considered by confirmatory applications

2016	2017	2018	2019	2020
192	135	64	166	118

6. Documents released by the Council at confirmatory stage

2016		2017		2018		2019		2020	
89		51		50		111		66	
partial 55	full 34	partial 26	full 25	partial 9	full 41	partial 50	full 61	partial 31	full 35

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

2016		2017		2018		2019		2020	
76,5%	82,3%	69,1%	78%	74,3%	79,8%	79,7%	86,4%	84,4%	88,6%

8. Professional profile of the applicants (initial requests)

		2016		2017		2018		2019		2020	
Civil society/ Private sector	Consultants	7,7%	24,7%	8,3%	25,4%	9,1%	27%	8,2%	23,5%	7,3%	20,5%
	Environmental lobbies	0,4%		0,2%		0,1%		0,4%		0,2%	
	Other groups of interest	4,1%		4,7%		4,3%		3,4%		3%	
	Industrial/ Commercial sector	6,7%		7,8%		7,8%		5%		4,7%	
	NGOs	5,8%		4,4%		5,7%		6,5%		5,3%	
Journalists		4,8%		5,7%		6,4%		6,6%		5%	
Lawyers		7,2%		8,2%		6,9%		5,1%		4,7%	
Academic world		35,2%		32,9%		28,8%		34,8%		39%	
Public authorities (non-EU institutions, third-country representatives, etc.)		3,4%		4,2%		3,4%		4,4%		2%	
Members of the European Parliament and assistants		1%		0,6%		1,5%		0,5%		1,3%	
Others		14,1%		13,5%		13,9%		13,3%		15%	
Undeclared		9,5%		9,5%		12,1%		11,8%		12,5%	

9. Professional profile of the applicants (confirmatory applications)

		2016		2017		2018		2019		2020	
Civil society/ Private sector	Consultants	0%	23,5 %	0%	7,8%	0%	12%	6,5%	25,8 %	4%	8%
	Environmental lobbies	5,9%		0%		0%		3,2%		0%	
	Other groups of interest	5,9%		3,9%		4%		6,4%		4%	
	Industrial/ Commercial sector	11,7 %		0%		4%		0%		0%	
	NGOs	0%		3,9%		4%		9,7%		0%	
Journalists		11,8%		3,8%		16%		12,9%		8%	
Lawyers		5,9%		19,2%		8%		0%		16%	
Academic world		11,8%		26,9%		32%		38,7%		32%	
Public authorities (non-EU institutions, third-country representatives, etc.)		0%		0%		0%		0%		4%	
Members of the European Parliament and assistants		17,6%		0%		4%		0%		8%	
Others		17,6%		7,7%		4%		3,2%		12%	
Undeclared		11,8%		34,6%		24%		19,4%		12%	

10. Geographic distribution of the applicants (initial requests)

Country	2016	2017	2018	2019	2020
Belgium	22%	26,2%	28,1%	27,9%	24,7%
Bulgaria	0,3%	0,2%	0,2%	0,1%	0,5%
Croatia	0%	0,9%	0,3%	0,2%	0,2%
Czech Republic	0,6%	1%	0,7%	0,9%	0,5%
Denmark	1,8%	1,3%	1,3%	1%	0,9%
Germany	14,4%	13,1%	13%	13,6%	11,5%
Estonia	0,1%	0,2%	0%	0,1%	0,1%
Greece	0,7%	0,9%	0,8%	0,6%	1,2%
Spain	4,7%	4,7%	4,9%	4,8%	4,2%
France	6,5%	7,2%	6,3%	7,5%	6,5%
Ireland	0,8%	1%	0,6%	0,7%	10,4%
Italy	5,3%	5,5%	5%	4,3%	5,9%
Cyprus	0%	0,1%	0%	0,1%	0,2%
Latvia	0%	0,3%	0,1%	0%	0,1%
Lithuania	0%	0,4%	0,2%	0%	0%
Luxembourg	0,9%	1,1%	0,7%	2%	0,8%
Hungary	0,2%	0,6%	0,5%	0,5%	0,4%
Malta	0,2%	0,2%	0%	0%	0%
Netherlands	6,9%	6,1%	6,6%	5,4%	3,5%
Austria	2,9%	1,3%	1,5%	1,9%	1,2%
Poland	1%	1,2%	1,3%	0,8%	1,2%
Portugal	0,6%	0,9%	1%	0,9%	0,8%
Romania	0,3%	0,2%	0,2%	1%	0,5%
Slovenia	0,1%	0%	0,2%	0,2%	0,2%
Slovakia	0,9%	0,6%	0,3%	0,2%	0,5%
Finland	1,2%	0,5%	0,9%	0,9%	1,3%
Sweden	2%	1%	1,2%	0,5%	1%
United Kingdom	7,7%	7,8%	6,9%	6,4%	4,6%
Third countries	0,3%	5,3%	5,5%	6,5%	4,9%
Undeclared	11,8%	10,2%	11,7%	11%	12,2%

11. Geographic distribution of the applicants (confirmatory applications)

Country	2016	2017	2018	2019	2020
Belgium	47%	19,2%	36%	16,1%	36%
Bulgaria	0%	0%	0%	0%	4%
Croatia	0%	0%	0%	0%	0%
Czech Republic	0%	0%	0%	0%	0%
Denmark	5,9%	0%	4%	0%	0%
Germany	0%	15,4%	8%	22,6%	4%
Estonia	0%	0%	0%	0%	0%
Greece	0%	0%	4%	0%	0%
Spain	5,9%	0%	8%	6,4%	0%
France	5,9%	3,9%	4%	6,4%	0%
Ireland	0%	0%	0%	0%	4%
Italy	0%	0%	4%	6,5%	8%
Cyprus	0%	0%	0%	0%	0%
Latvia	0%	0%	0%	0%	0%
Lithuania	0%	0%	0%	0%	0%
Luxembourg	0%	0%	0%	3,2%	0%
Hungary	0%	0%	4%	0%	0%
Malta	0%	0%	0%	0%	0%
Netherlands	17,6%	11,5%	0%	6,5%	16%
Austria	5,9%	0%	0%	3,2%	0%
Poland	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	0%	4%
Romania	0%	0%	0%	0%	0%
Slovenia	0%	0%	0%	0%	0%
Slovakia	0%	0%	0%	0%	0%
Finland	0%	3,9%	4%	3,2%	4%
Sweden	0%	0%	4%	0%	0%
United Kingdom	0%	15,4%	4%	9,7%	8%
Third countries	0%	3,8%	0%	6,5%	8%
Undeclared	11,8%	26,9%	16%	9,7%	4%

12. Policy area of requested documents

Policy	2016	2017	2018	2019	2020
Agriculture, Fisheries	5,2%	4,9%	6,1%	4,6%	4,3%
Internal Market	5,3%	6,4%	4,7%	2,2%	0,6%
Research	0,3%	0,2%	1,4%	1,3%	1,9%
Culture	0,9%	0,9%	0,7%	0,3%	0,3%
Education/Youth	0,5%	0,8%	1,3%	1,3%	1,7%
Competitiveness	0,5%	1,7%	0,9%	1,8%	1,4%
Energy	0,7%	3,8%	3,1%	1,7%	1,6%
Transport	6,5%	4,2%	4,3%	5,4%	4,8%
Environment	11%	13,7%	8,6%	5,2%	6,2%
Health and Consumer Protection	4,7%	2,8%	2%	1,6%	2,1%
Economic and Monetary Policy	8,3%	9,4%	8,3%	10,1%	16,7%
Tax Questions – Fiscal Issues	6,5%	5,7%	6,1%	5,6%	4,4%
External Relations – CFSP	10,2%	10,2%	14,1%	15,2%	13,1%
Civilian Protection	0,5%	0,5%	0,1%	0,2%	0,1%
Enlargement	0,7%	0,5%	0,5%	1,1%	0,6%
Defence and Military matters	1%	1,1%	1,4%	1,7%	1,2%
Assistance for Development	0%	0,2%	0%	0,1%	0%
Regional Policy and Economical/Social Cohesion	0,1%	0%	0%	0%	0%
Social Policy	3,5%	4,1%	2,5%	3,5%	2%
Justice and Home Affairs	19,1%	15,9%	20%	17,9%	20,4%
Legal questions	3,5%	3,4%	4,6%	3,7%	2,7%
Functioning of the institutions	6,2%	2,8%	3,6%	3%	1,4%
Financing of the Union (Budget, Statute)	0,1%	0%	0,2%	0,3%	0,3%
Transparency	0,5%	0,7%	0,5%	0,7%	0,7%
General policy questions	1,3%	1,2%	1,1%	4,6%	6,7%
Parliamentary Questions	0,9%	0,7%	0,4%	0,8%	0,2%
Various	0%	1,77%	1,94%	2,6%	2,6%
BREXIT		2,42%	1,56%	3,5%	2%

13. Exceptions used to refuse access (initial stage)

Exceptions foreseen in regulation 1049/2001	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	67	4,3%	51	3%	69	4,5%	51	4,5%	72	4,8%
Protection of public interest as regards defence and military matters	15	1%	39	2,3%	38	2,5%	16	1,4%	11	0,7%
Protection of public interest as regards international relations	223	14,4%	269	15,8%	467	30,6%	300	26,6%	233	15,5%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	16	1%	4	0,3%	15	1%	15	1,3%	6	0,4%
Protection of privacy and the integrity of the individual (protection of personal data)	1	0,1%	2	0,1%	1	0,1%	3	0,3%	5	0,3%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	0	0%	5	0,4%	0	0%
Protection of court proceedings and legal advice	18	1,2%	12	0,7%	11	0,7%	10	0,9%	9	0,6%
Protection of the purpose of inspections, investigations and audits	2	0,1%	0	0%	0	0%	3	0,3%	0	0%
Protection of the Institution's decision-making process	555	35,9%	545	32%	489	32%	215	19,1%	343	22,8%
Several reasons together	648	42%	780	45,8%	436	28,6%	509	45,2%	827	54,9%

14. Exceptions used to refuse access (confirmatory applications)

Exceptions foreseen in regulation 1049/2001	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	0	0%	1	1,2%	0	0%	0	0%	0	0%
Protection of public interest as regards defence and military matters	0	0%	4	4,8%	3	21,5%	0	0%	0	0%
Protection of public interest as regards international relations	8	7,7%	2	2,4%	3	21,4%	19	34,5%	3	5,8%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	1	1%	0	0%	0	0%	0	0%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	1	1%	0	0%	0	0%	0	0%	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	1	1%	0	0%	0	0%	2	3,6%	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	2	1,9%	5	5,9%	3	21,4%	3	5,5%	12	23,1%
Several reasons together or other reasons	90	87,4%	72	85,7%	5	35,7%	31	56,4%	37	71,1%

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

Exceptions foreseen in regulation 1049/2001	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	36	7,2%	71	10,5%	46	11,1%	24	5,1%	28	5,2%
Protection of public interest as regards defence and military matters	0	0%	2	0,3%	5	1,2%	3	0,7%	2	0,4%
Protection of public interest as regards international relations	108	21,5%	44	6,5%	83	20,1%	109	23,2%	156	28,8%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	1	0,2%	3	0,4%	0	0%	7	1,5%	3	0,5%
Protection of privacy and the integrity of the individual (protection of personal data)	106	21,2%	114	16,8%	67	16,2%	65	13,8%	141	26%
Protection of commercial interests of a natural or legal person, including intellectual property	2	0,4%	0	0%	0	0%	8	1,7%	1	0,2%
Protection of court proceedings and legal advice	20	4%	17	2,5%	13	3,2%	24	5,1%	19	3,5%
Protection of the purpose of inspections, investigations and audits	2	0,4%	1	0,1%	0	0%	0	0%	0	0%
Protection of the Institution's decision-making process	85	17%	326	48,1%	117	28,3%	97	20,6%	55	10,1%
Several reasons together or other reasons	141	28,1%	100	14,8%	82	19,9%	133	28,3%	137	25,3%

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

Exceptions foreseen in regulation 1049/2001	2016		2017		2018		2019		2020	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	0	0%	0	0%	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	1	1,8%	2	7,7%	0	0%	8	16%	0	0%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	6	10,9%	0	0%	0	0%	0	0%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	25	45,5%	1	3,9%	1	11,1%	0	0%	6	19,4%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	0	0%	2	4%	0	0%
Protection of court proceedings and legal advice	0	0%	1	3,8%	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	0	0%	3	11,5%	2	22,2%	5	10%	0	0%
Several reasons together or other reasons	23	41,8%	19	73,1%	6	66,7%	34	68%	25	80,6%

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)

2016		2017		2018		2019		2020	
354 381	246 901 (70%)	377 610	264 730 (70%)	399 949	281 412 (70%)	420 763	297 670 (70.7%)	440 148	313 253 (71.1%)

18. Number of documents (original language version) added to the public register in 2020

	Public upon circulation	LIMITE	LIMITE made public upon request	Partially available
Legislative	1 481	1 912	1 440	67
Non legislative	10 845	7 677	2 540	278

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

	2016	2017	2018	2019	2020
For the initial applications ¹²	16 (2 342 requests)	16 (2 597 requests)	17 (2 474 requests)	17 (2 567 requests)	17 (2 321 requests)
For the confirmatory applications ¹³	55 (24 conf. applications)	40 (31 conf. applications)	36 (29 conf. applications)	37 (40 conf. applications)	34 (26 conf. applications)
Pondered average (initial + confirmatory)	16,4	16,25	17,22	17,31	17,19

¹² These figures comprise both the initial applications submitted according to Article 7 of Regulation (EC) No 1049/2001 and the so-called "6(3) applications".

¹³ Confirmatory applications are examined by the Council's Working Party on Information and by the Permanent Representatives Committee (Part 2). Replies to the applicants are adopted by the Council.

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

	2016	2017	2018	2019	2020
Initial applications	573 of 2 342 24,5%	744 of 2 597 28,6%	892 of 2 474 36,1%	809 of 2 567 31,5%	776 of 2 321 33,4%
Confirmatory applications	23 (of 24)	31 (of 31)	26 ¹⁴ (of 29)	40	26 [of 26]

¹⁴ 3 confirmatory applications were withdrawn.