



Council of the
European Union

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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Draft twentieth 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 - 2021

I. INTRODUCTION

This is the twentieth 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 2021 and reviews complaints to the Ombudsman and rulings handed down by the European courts in cases concerning the institutions' implementation of the Regulation.

The statistical data that provides the basis for this report are available as [open data on the Council's website](#).

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

In 2021, the Council's activities were still very much influenced by the exceptional circumstances caused by the COVID-19 crisis, and in particular the difficulties in travelling throughout Europe given the preventive and containment measures taken by Member States, as well as physical distancing obligations. In 2021, [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 was renewed several times in order to facilitate decisions to use the ordinary written procedure for adopting Council acts. Other measures to ensure the continuity of the Council's work, such as the organisation of informal video conferences of ministers and working party members, were also maintained when necessary.

¹ [OJ L 145, 31.5.2001, p. 43](#)

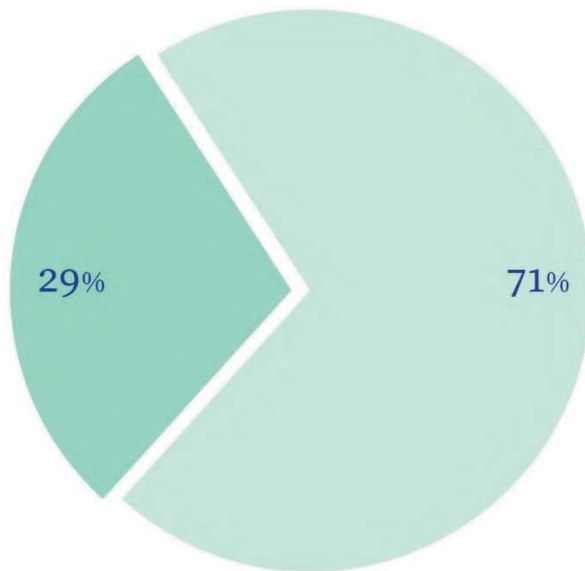
² This article provides that '*Each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register*'.

III. LEGISLATIVE TRANSPARENCY

2021 was the first full year of implementation of the Coreper approach on strengthening legislative transparency³.

In particular, in accordance with this approach, the final outcome of negotiations following Coreper's endorsement has been made public in the 53 files concerned.

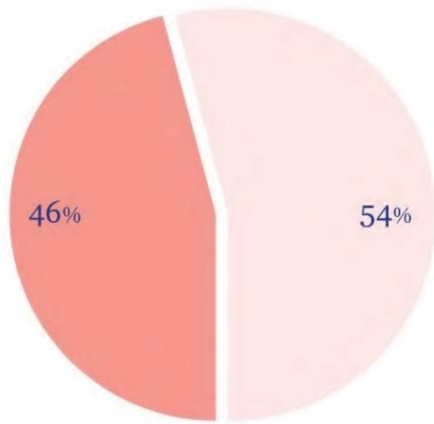
Initial Council mandates granted in 2021 for trilogues



-
- COREPER mandates: 34
 - Council General Approach: 14
-

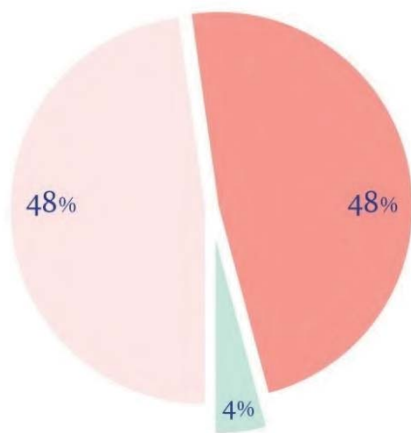
³ [ST 9493/20](#)

Initial Council mandates granted in 2021 for trilogues and made public



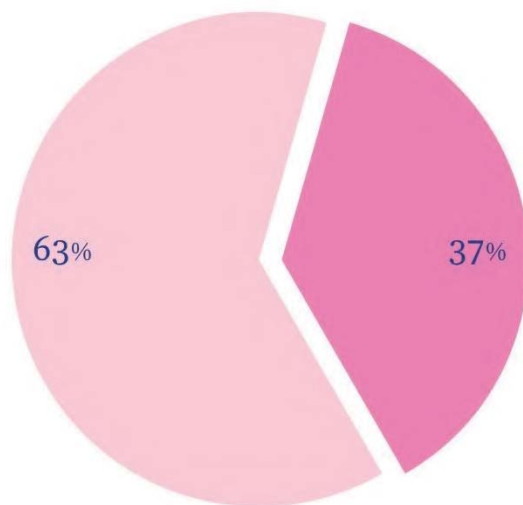
-
- Mandates public after endorsement by COREPER: 26
 - Issued as public documents: 22
-

Initial 4 column tables prepared for negotiating with the Council mandates granted in 2021



-
- 4 column table made public: 23
 - no 4 column table needed*: 23
 - others: 2
-

** Negotiations on a legislative file do not necessarily require the production of a 4 column table. In particular, in 2021, agreement was reached without trilogues, or with urgency for 12 files. In addition, in 2021, in 11 files, the mandate was adopted, but negotiations didn't start before 2022.*



IV. REQUESTS FOR ACCESS TO DOCUMENTS IN 2021

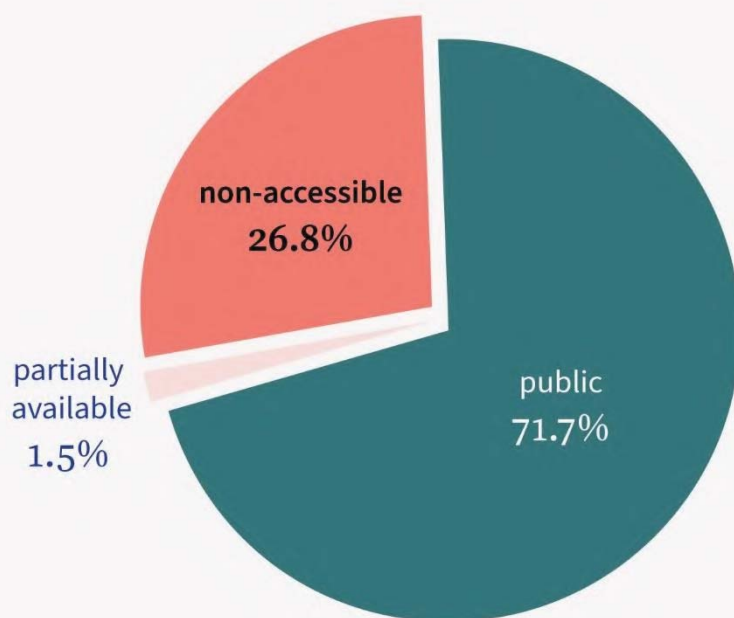
1. The public register

In 2021, the register attracted 2.4 % of the Council website's traffic. It was consulted more than 356 000 times. Of more than 308 000 visitors, 27 % arrived at the register through web search engines, 67 % came via a direct link and 6 % were redirected from another website. A total of 32 % of the visitors were based in Belgium, 8 % in Germany, 6 % in Italy, 6 % in the United Kingdom, and 5 % in France.

On 31 December 2021, the public register listed 460 907 original language documents (3 456 130 documents including all language versions). Of the total number of original language documents listed in the register, 71.7 % (330 434 documents) were public and available to download.

Documents in the public register

on 31 December 2021



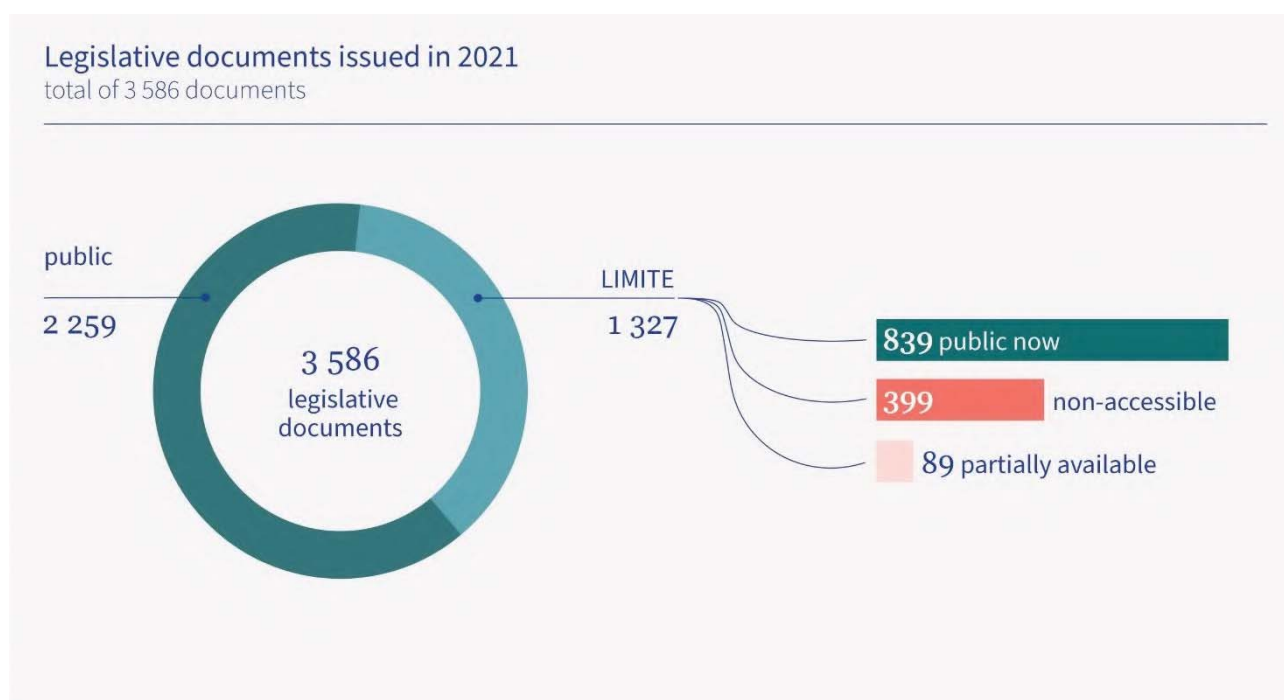
Throughout 2021, 24 341 original language documents were added to the register, of which 73.7 %, or 17 933 documents, are public and available to download. In 2021, the Council issued 13 535 documents that were available to the public upon circulation and it issued 10 551 LIMITE documents. It added to the register 343 documents that are partially available to the public.

In 2021, 255 classified documents⁴ were referenced in the register and the Council issued 564 classified documents that are not listed in the register.

⁴ 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).

Legislative documents

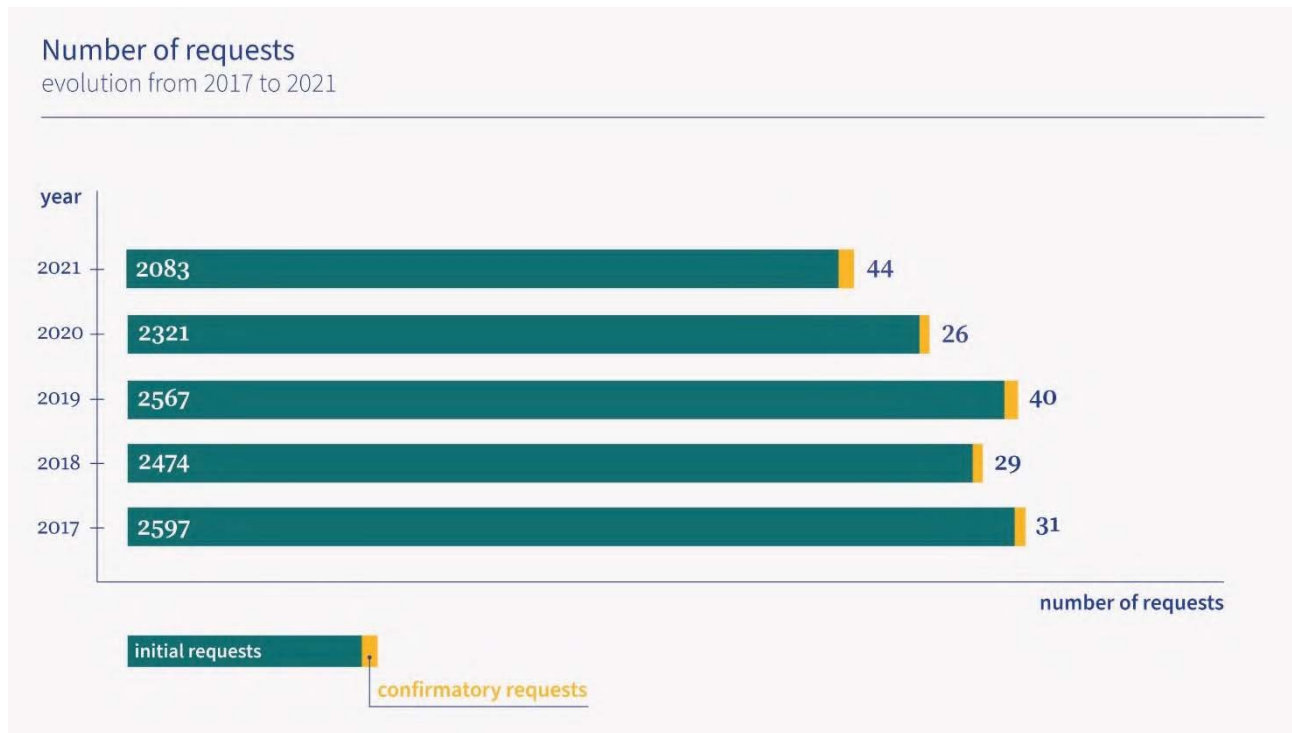
During the period covered by this report, 3 586 legislative documents⁵ were added to the register, 2 259 of which were issued as ‘public’ upon circulation. Of the remaining 1 327 legislative documents issued as LIMITE (with a reference in the register but not directly accessible), 839 documents were made public upon request. A total of 86 % of the legislative documents added to the register in 2021 are therefore fully available to the public.



⁵ As provided for 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.

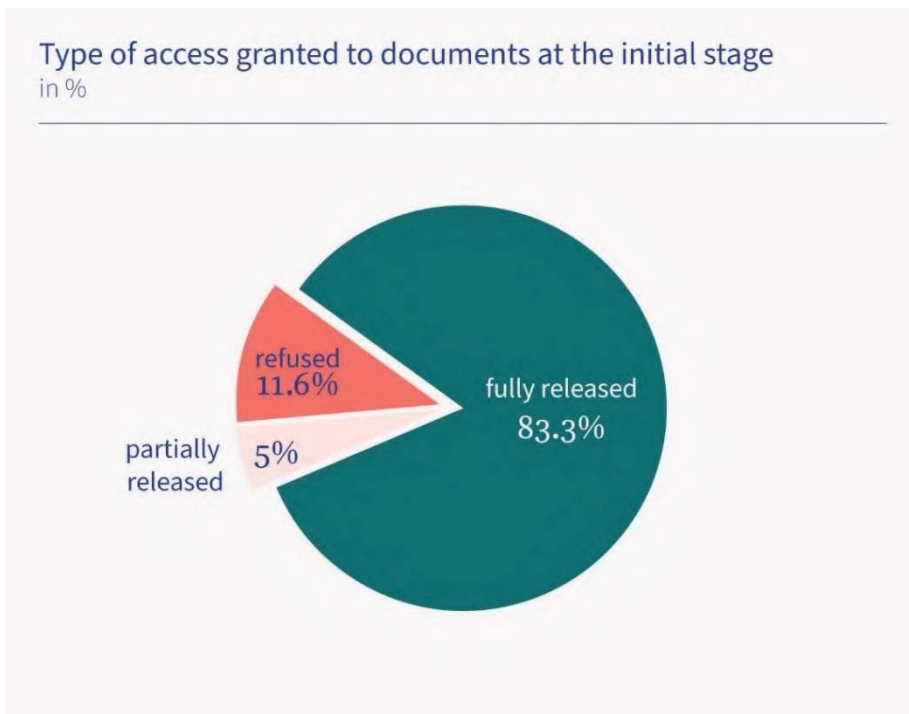
2. Requests for access to documents

In 2021, the Council received 2 083 initial requests for access to documents and 44 confirmatory applications⁶, which required the analysis of 10 189 documents.

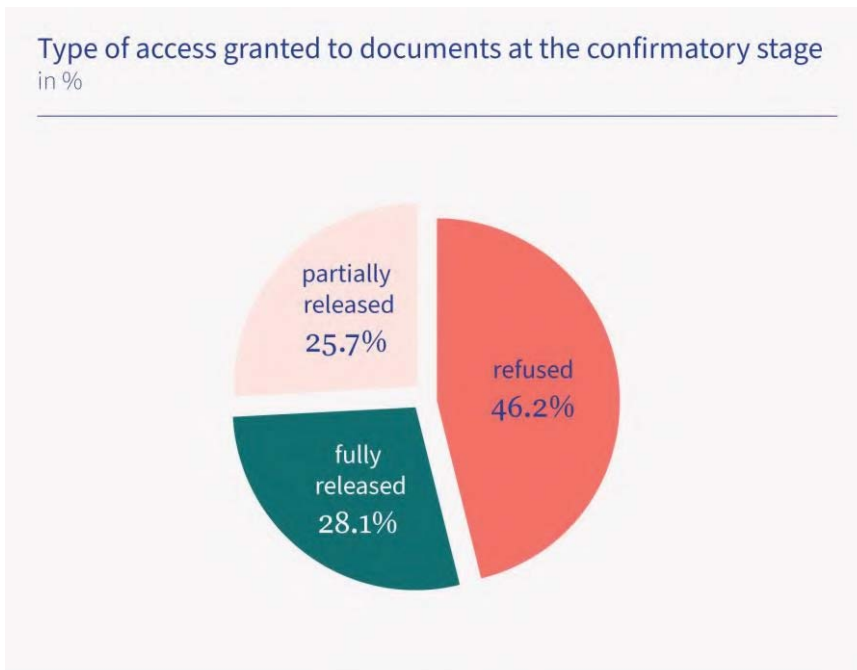


⁶ In the event of a total or partial refusal, the applicant may, within 15 days of receiving the institution's reply, make a confirmatory application asking the institution to reconsider its position.

At the initial stage, full access was granted to 8 492 documents (83.3 %) and partial access to 519 documents (5 %). Access was refused to 1 178 documents (11.6 %).



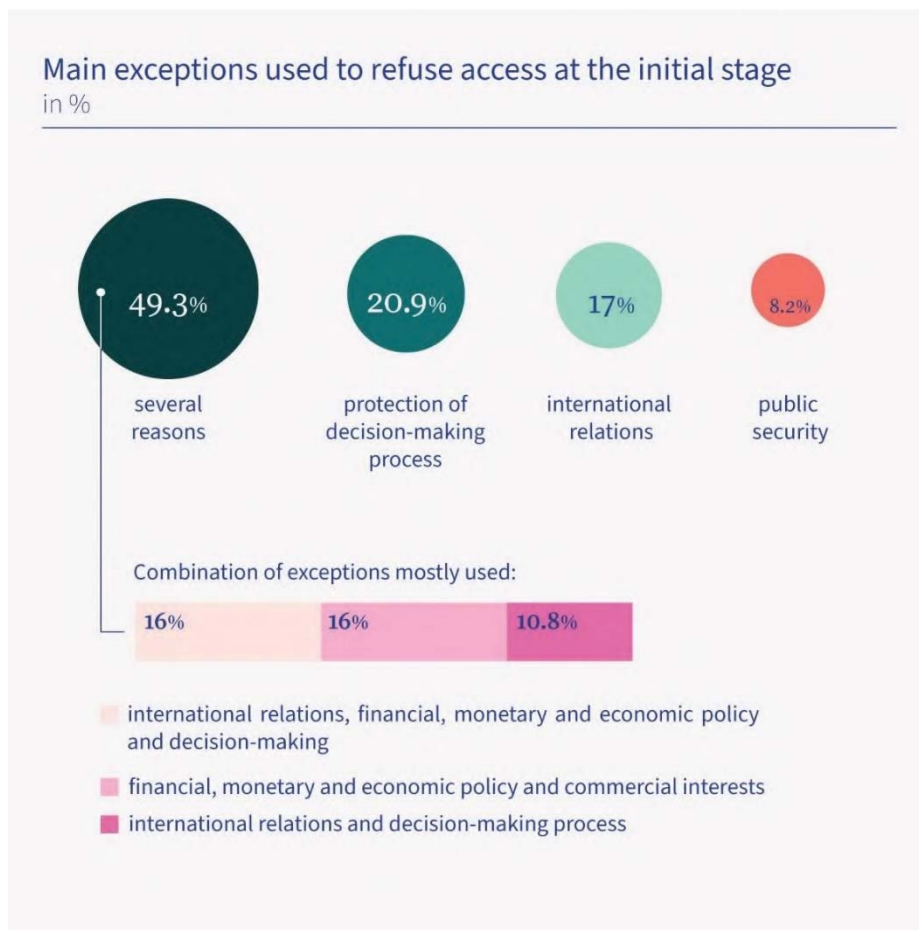
Following confirmatory applications, full access was granted to 59 documents and partial access to 54 documents. The Council confirmed that access should be refused to 97 documents.



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 (223 times, or 20.9 %), to protect the public interest as regards international relations (181 times, or 17 %), and for reasons of public security (87 times, or 8.2 %).

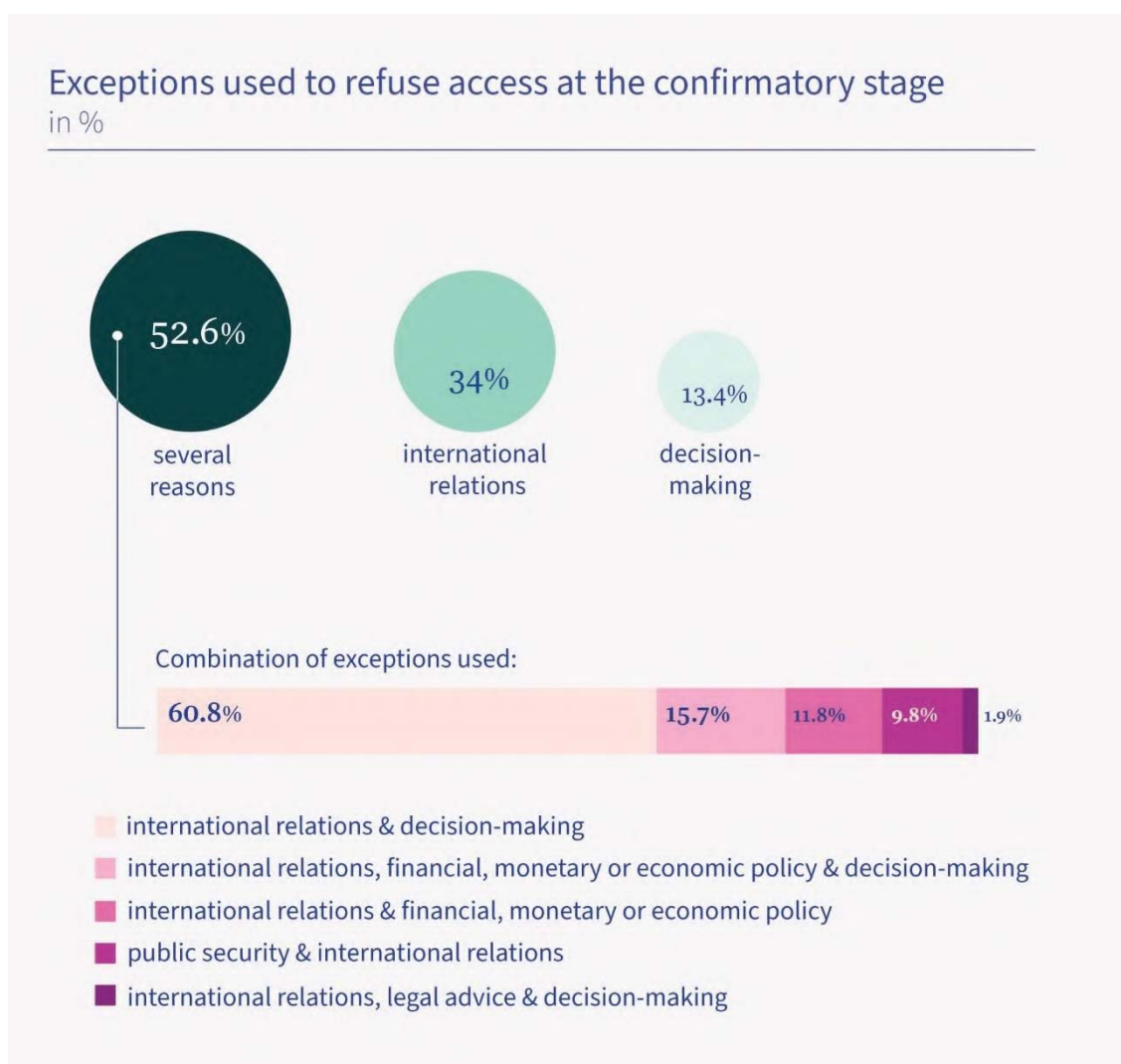
In 49.3 % of cases (525 times), documents were refused based on a combination of several exceptions. In these cases, access was denied mainly to protect the public interest as regards international relations, the financial, monetary or economic policy of the Community or a Member States as well as the Council's decision-making process (84 times, or 16 %). A 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 also applied in 84 cases (i.e. in 16 % of cases). A combination of the protection of the international relations and the Council's decision-making process was applied 57 times, or in 10.8 % of the cases in which several exceptions were applied.



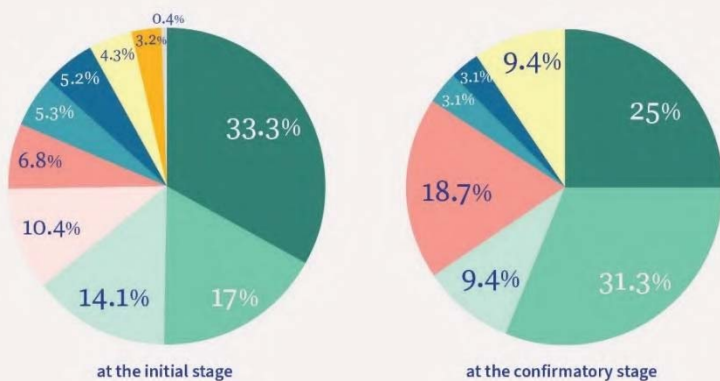
In more than a quarter of the cases, partial access was granted based on a combination of several exceptions.

The most frequently used exceptions in justifying the granting of partial access only were the protection of personal data and the protection of the decision-making process (32.4 % and 13.7 % respectively).

At the confirmatory stage, documents were mostly refused (52.6 %) or only partially released (61.1 %) due to a combination of exceptions. Access was also totally refused to documents in order to protect the public interest as regards international relations (34 %) and to protect the decision-making process (13.4 %).



Self-declared professional profile of the applicant
at the initial and at the confirmatory stage (in %)



- Academic world
- Undeclared
- Others
- Consultants/ interest groups
- Journalists
- NGOs
- Industrial/ commercial sector
- Lawyers
- Public authorities
- MEP

It took the GSC on average 17 working days to process initial requests and 33 working days to process confirmatory applications.

Average working days for the GSC to process requests
evolution from 2017 to 2021



The deadline of 15 working days for processing initial requests was extended for 623 requests, i.e. in 29.9 % of cases. The deadline was extended for 43 out of 44 confirmatory applications.

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

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

1. Complaints lodged with the European Ombudsman

In 2021, the Council was notified of four complaints addressed to the European Ombudsman following a request lodged with the Council for access to documents, one complaint following a request for access to documents addressed to the European Council, two complaints following a request for information addressed to the Council and one complaint following a request for information addressed to the European Council. The requests are detailed below.

Complaint 360/2021/TE⁷

This case concerns a complaint from a citizen addressed to the European Ombudsman following refusal by the Council to grant full public access to documents related to **trilogue negotiations on draft legislation for vehicle emissions**. The Council had granted access only to parts of the documents it identified as falling under the request, arguing that disclosing the remaining parts could undermine the ongoing decision-making process.

The Ombudsman acknowledged that releasing certain parts of the documents when the negotiations were ongoing could seriously undermine the Council's negotiating position. As such, the redactions were justified in that context. However, she took the view that, once compromises on those issues had been reached in the trilogue negotiations, the parts at issue of the documents should be disclosed.

⁷ ST 8127/22 and ST 8127/22 ADD 1

In her final decision⁸, the Ombudsman concluded that there had been no maladministration on the part of the Council and made some interesting observations concerning the content of the fourth column in the documents at issue in this inquiry compared to the content of the fourth column in the documents at stake in the *De Capitani* case law (Case T-540/15, *Emilio De Capitani v European Parliament*). The content of the fourth column in the documents at stake in this inquiry is different from that of the fourth column in the *De Capitani* case: in that case, the documents concerned had been shared between the co-legislators (containing, in their fourth column, the provisional compromise text that had been agreed between the institutions), which was not the case in this instance.

Complaint 717/2021/DL⁹

This case concerns a citizen's complaint against the Council decision of 9 April 2021 concerning the refusal of access to document 5591/21, which contains an opinion of the legal service on the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part. The document was partially released; access to the undisclosed parts was denied on the basis of the third indent of Article 4(1)(a) (protection of the public interest as regards international relations), the second indent of Article 4(2) (protection of legal advice) and the first subparagraph of Article 4(3) (protection of the decision-making process) of Regulation (EC) No 1049/2001.

After having examined the content of the document, the Ombudsman issued a proposal for a solution in which she suggested that the Council grant the widest access possible to document 5591/21. The Council re-examined the matter and came to the conclusion that further access was not possible at that stage given that the exceptions invoked by the Council under the third indent of Article 4(1)(a) (protection of the public interest as regards international relations) and the second indent of Article 4(2) (protection of legal advice) still justified the non-disclosure of the legal opinion. The Council replied to the Ombudsman to that effect on 15 November 2021.

⁸ ST 13728/21

⁹ ST 8157/21 and ST 8157/21 ADD 1

On 24 February 2022, the Ombudsman recommended that the Council grant the widest access possible to document 5591//21 and she also requested that the Council provide her with a detailed opinion on that matter by 24 May 2022.

Complaint 1485/2021/FR¹⁰

This complaint concerns the Council's alleged failure to reply on substance to the complainant's correspondence of 25 July 2021 regarding 'illegal push-backs' and 'inhuman behaviour' against volunteers and NGOs by the Greek government and authorities in Lesbos and Moria. The Council had replied on 25 July 2021 that the complainant's concerns and comments had been carefully noted but it did not address the concerns raised by the complainant.

On 31 August 2021, the Ombudsman suggested that the Council reply to the complainant on substance by 30 September 2021. On 7 September 2021, the Council replied to the complainant that it was not in a position to assist him in the matter as it had no legal jurisdiction over national authorities and therefore could not investigate or punish any allegedly illegal incident in a Member State. The Council suggested that the complainant contact the European Agency of Fundamental Rights in Austria and provided a link to the Agency's website.

On 9 September 2021, the Ombudsman closed the file with the conclusion that the case had been settled.

Complaint 1488/2021/TM¹¹

This complaint concerned the European Council's failure to reply to the complainant's correspondence sent by post about his personal situation and the respect of fundamental rights in Slovenia. An acknowledgement of receipt of his registered letter – which he posted on 29 March 2021 – was sent by email on 23 April 2021.

Further to his complaint to the EO, a reply was sent to the applicant on 30 September 2021 in which the GSC thanked the citizen for the report on human rights he had sent.

¹⁰ This complaint does not concern a request for access to documents but rather for information.

¹¹ This complaint concerns a request for information.

In November 2021, the Ombudsman closed the complaint with the conclusion that it had been settled.

*Complaint 1499/2021/TE*¹²

This case concerns a citizen's complaint against the Council decision of 30 July 2021 refusing to grant full public access to 23 documents related to negotiations on the draft '**Digital Markets Act**'. The documents to which access had been fully or partially denied contained the first preliminary comments of Member States' delegates and their requests for clarification as regards the Commission's proposal for a Digital Markets Act.

In its confirmatory decision, the Council had argued that the preliminary comments of Member States were drawn up for internal use in the context of a preliminary exchange of technical views in the Working Party on Competition. The Council had argued that the Digital Markets Act proposal was a technically complex and extremely sensitive file and that full disclosure of the documents could lead to unprecedented lobbying by systemic online platforms, including those of non-EU countries. In view of the above, the Council had concluded that full disclosure of the identified documents was likely to seriously undermine the ongoing decision-making process and that there was no overriding public interest in disclosure at that stage.

On 2 March 2022, the General Secretariat of the Council received from the Ombudsman a recommendation calling on the Council to grant full public access to the requested documents and to send a detailed opinion before 30 May 2022.

*Complaint 1703/2021/AMF*¹³

This case concerns an NGO's complaint against the Council decision of 24 January 2021 refusing to grant full public access to 10 of 51 documents related to negotiations on the Digital Services Tax proposal (2018/0073(CNS)) and to the OECD's negotiations on a similar tax. The documents to which access had been denied relate to the financial, monetary or economic policy of the European Union or a Member State in the context of international negotiations aimed at globally taxing technological services.

¹² ST 11475/21 and ST 11745/21 ADD 1.

¹³ ST 12499/21 and ST 12499/21 ADD 1.

In its confirmatory decision, the Council argued that disclosure of those particular documents, contrary to disclosure of the majority of the documents which were made public at the applicant's request, would seriously affect the chances of reaching a satisfactory outcome of the negotiations for the European Union either at global level or at EU level. In particular, the Council explained the extremely specific circumstances of the case, since the non-disclosed documents related to ongoing taxation issues under discussions interlinked on two separate levels (EU and global) and on which unanimity was required and diplomacy applicable. Moreover, the Council argued that the public interest as regards the financial, monetary or economic policy of the European Union or a Member State, as well as international relations, needed to be protected in the context of the Digital Services Tax proposal and the OECD's negotiations on a similar tax. Lastly, the Council concluded that disclosure of the identified documents was likely to seriously undermine the ongoing decision-making process and that there was no overriding public interest in disclosure at that stage.

On 16 February 2022, the Ombudsman sent the Council a request for additional information on the matter.

Complaint 1947/2021/ABZ¹⁴

This complaint concerned the Council's failure to reply to the complainant's request of 23 October 2021 related to Council Implementing Decision (CFSP) 2021/1002 of 21 June 2021 implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus.

The complainant, who bears the identical name and surname as one of the persons to which the restrictive measures established in the above-mentioned decision apply, reported serious problems in exercising his rights in Lithuania.

A reply was sent to the complainant's message on 26 November 2021 in which the GSC underlined that it was the competence of the Member States to implement EU restrictive measures and the citizen was invited to contact the national authorities or, as an alternative, the European Commission. In December 2021, the Ombudsman closed the complaint with the conclusion that it had been settled.

¹⁴ This complaint concerns a request for information.

Complaint 2008/2021/MIG

This complaint was against the European Council's failure to identify documents to which the complainant had sought access. Based on the information submitted to her, the Ombudsman concluded that there was no evidence to indicate any maladministration by the European Council. She argued that the right of public access to documents applies only to documents in the possession of an institution. Moreover, she referred to EU case law, according to which, where an institution says it does not hold documents requested under Regulation 1049/2001, it must be presumed that that is true, unless the applicant puts forward evidence that unequivocally calls that into question. The arguments put forward by the complainant were not found to demonstrate that the European Council held the requested documents. The Ombudsman thus considered credible the European Council's assertion that it did not hold any relevant documents, and closed the case.

2. 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 is still mentioned in this report as there were some developments in 2021.

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 Council decision-making during the COVID-19 crisis.

In her letter she requested the inspection of a document entitled '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.

On 24 March 2021, the European Ombudsman transmitted to the Council her decision¹⁵ on this inquiry in which she recognised that the Council had made significant efforts to ensure the institutional continuity of Council decision-making under the exceptional circumstances caused by the COVID-19 pandemic including, to the extent possible, appropriate levels of transparency as provided for under normal circumstances. She also made some suggestions for improvement for the future.

The Council replied¹⁶ to the European Ombudsman regarding her suggestions for improvement on 30 June 2021. The European Ombudsman addressed a follow-up letter¹⁷ to the Council on this issue on 16 July 2021.

3. European Ombudsman's strategic initiatives

Strategic initiative SI/4/2021/TE

On 30 June 2021, the European Ombudsman addressed a letter to the Council – as well as to the other EU institutions and bodies – regarding the way in which the Council records text and instant messages sent/received by staff members in their professional capacity with a questionnaire on the applicable rules and the implementation of those rules. The Council replied to the questions raised by the European Ombudsman on 15 November 2021 recalling the policy on document and file management in place in the GSC and sent her the relevant documents.

Strategic initiative SI/7/2021/DL

On 27 October 2021, the European Ombudsman addressed a letter to the President of the European Council and a similar one to the General Secretary of the Council enclosing a short guide for the EU administration on policies and practices to give effect to the right of public access to documents. On 24 November 2021, a letter of reply was addressed to the European Ombudsman on behalf of both institutions informing her that implementing measures were already in place in the GSC regarding the points raised in her guide.

¹⁵ ST [7314/21](#)

¹⁶ ST [8935/2/21 REV 2](#)

¹⁷ ST [11040/21](#)

4. Court cases

In 2021, there were four court cases pending before the Union courts: one appeal case before the Court of Justice and three cases 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 C-408/21 P *Council v L. Pech*, the Council made an appeal against the judgment of the General Court of 21 April 2021 in case T-252/19 regarding the finding to grant full public access to an opinion of the Council Legal Service (ST 13593/18 INIT). The written part of this procedure is still ongoing.

In case T-163/21 *de Capitani v Council*, the applicant seeks the annulment of the Council's decision to refuse access to a number of documents pertaining to a legislative procedure (WK 5230/2017, WK 10931/17, WK 12197/2017, WK 12197/2017 REV1, WK 14969/17, WK 14969/17 REV 1 and WK 6662/18). The written part of the procedure is closed and the decision on whether there will be an oral part is pending.

In Case T-682/21 *ClientEarth v Council*, the applicant seeks the annulment of the Council's decision refusing access to an opinion of the Legal Service issued in the context of a legislative procedure concerning the amendment of the Aarhus Regulation (ST 8721/21). The written part of this procedure is still ongoing.

In Case T-683/21 *Leino-Sandberg v Council*, the applicant seeks the annulment of the Council's decision to refuse access to an opinion of the Legal Service issued in the context of a legislative procedure concerning the amendment of the Aarhus Regulation (ST 8721/21). The written part of this procedure is still ongoing.

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

The GSC made public 1 857 preparatory documents relating to 76 legislative acts that were adopted in 2021.

VII. VOTING RESULTS

In 2021, the GSC prepared voting results for all legislative acts which were adopted by the Council throughout the year (i.e. 114); these voting results are directly available on the [Council's website](#).

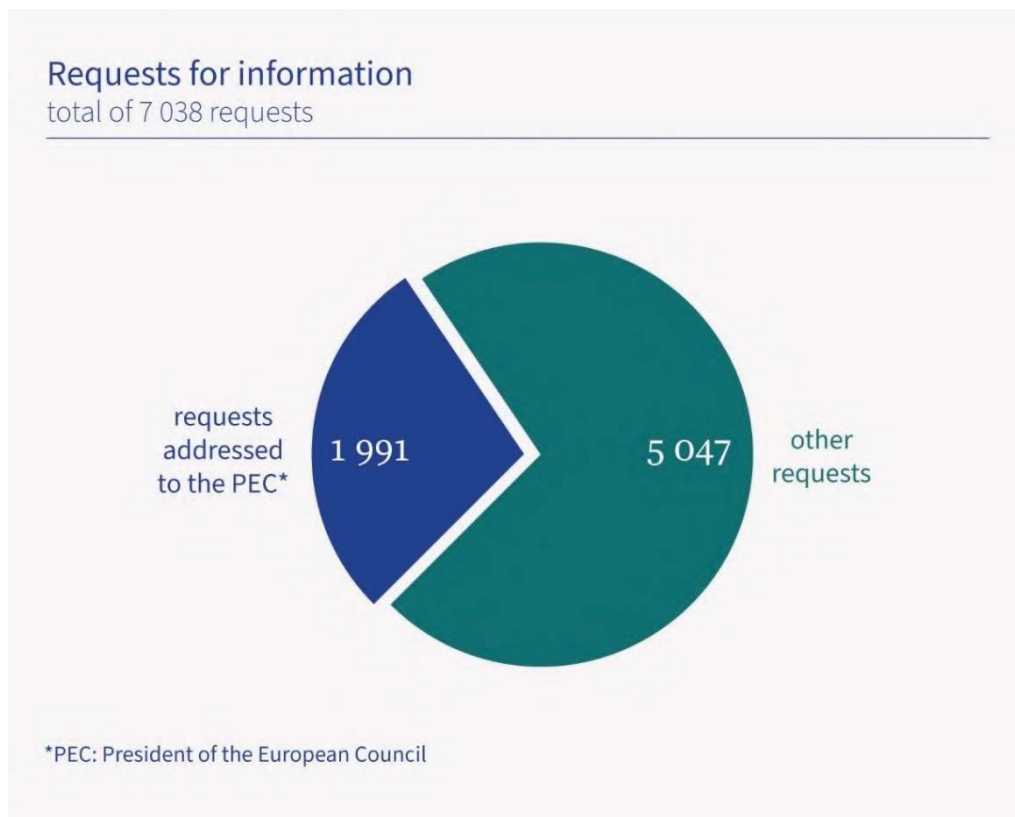
VIII. REQUESTS FOR INFORMATION

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: electronic forms (available on the Council website), emails and letters. The Public Info service is in charge of replying to those requests for information.

During 2021, the GSC responded to 7 038 requests for information. The replies sent were as follows:

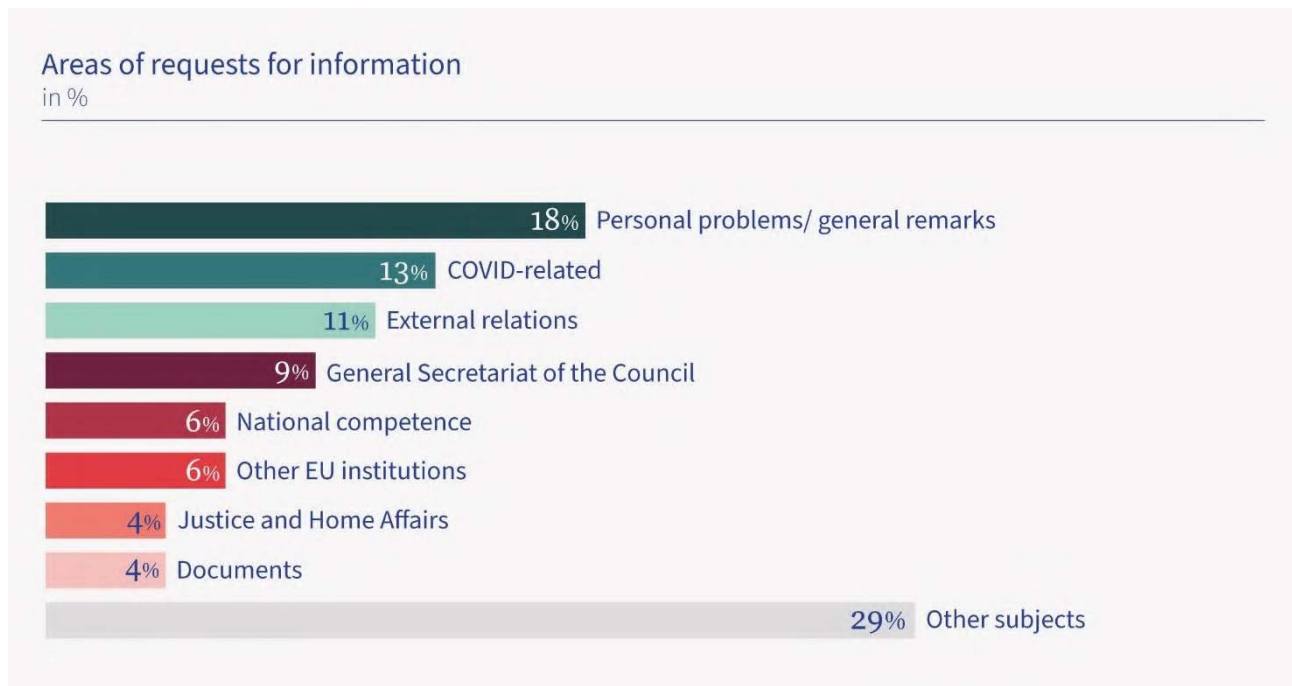
- 6 439 emails (this figure includes requests received via the electronic form and by email)
- 599 letters

In total, 1 991 of the requests replied to were addressed to the President of the **European Council** (PEC).



The requests received by the GSC concerned EU policy topics and a variety of other subjects. In 2021, the main areas concerned by these requests were the following:

- Personal problems/general remarks: 18 %
- COVID-related: 13 %
- External relations: 11 %
- General Secretariat of the Council: 9 %
- National competence: 6 %
- Other EU institutions: 6 %
- Justice and Home Affairs: 4 %
- Documents: 4 %
- Other subjects (e.g. environment, employment, etc.): 29 %



The ‘COVID-related’ heading includes different types of requests concerning the COVID pandemic. They range from requests regarding the EU Digital COVID Certificate to travel and health measures in place in the EU. Citizens also wrote more general messages on issues such as national lockdowns or vaccination campaigns.

Under ‘General Secretariat of the Council’, the GSC received requests regarding the following:

- requests for financial support from the PEC
- requests for autographed photographs of the PEC
- 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 2021, the total number of ‘sans suite’ letters was 177.

IX. OCCASIONAL ATTENDANCE OF THIRD PARTIES, INCLUDING INTEREST REPRESENTATIVES, AT MEETINGS OF THE COUNCIL OR ITS PREPARATORY BODIES

Point iv of the Secretary General’s guidelines of 22 July 2021 on the abovementioned topic provides that the Council’s annual report on access to documents includes relevant information about the attendance of interest representatives at meetings of the Council or its preparatory bodies.

In 2021, 36 requests for attendance of third parties were addressed to COREPER 1 and 106 were addressed to COREPER 2. All of them were positively answered.

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

2017	2018	2019	2020	2021
2 597	2 474	2 567	2 321	2 083

2. Number of documents requested by initial requests

2017	2018	2019	2020	2021
8 000	7 930	8 222	13 382	10 189

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

2017		2018		2019		2020		2021	
6 144		6 141		6 615		11 796		9 011	
partial 678	full 5 466	partial 413	full 5 728	partial 470	full 6 145	partial 542	full 11 254	partial 519	full 8 492

4. Number of confirmatory applications

2017	2018	2019	2020	2021
31	29	40	26	44

5. Number of documents considered by confirmatory applications

2017	2018	2019	2020	2021
135	64	166	118	210

6. Documents released by the Council at confirmatory stage

2017		2018		2019		2020		2021	
51		50		111		118		113	
partial 26	full 25	partial 9	full 41	partial 50	full 61	partial 31	full 35	partial 54	full 59

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

2017		2018		2019		2020		2021	
69,1%	78%	74,3%	79,8%	79,7%	86,4%	84,4%	88,6%	83,9%	89,5%

8. Professional profile of the applicants (initial requests)

		2017		2018		2019		2020		2021	
Civil society/ Private sector	Consultants	8,3%	25,4 %	9,1%	27%	8,2%	23,5 %	7,3%	20,5 %	6,9%	20,9 %
	Environmental lobbies	0,2%		0,1%		0,4%		0,2%		0,2%	
	Other groups of interest	4,7%		4,3%		3,4%		3%		3,3%	
	Industrial/ Commercial sector	7,8%		7,8%		5%		4,7%		5,2%	
	NGOs	4,4%		5,7%		6,5%		5,3%		5,3%	
Journalists		5,7%		6,4%		6,6%		5%		6,8%	
Lawyers		8,2%		6,9%		5,1%		4,7%		4,3%	
Academic world		32,9%		28,8%		34,8%		39%		33,3%	
Public authorities (non-EU institutions, third-country representatives, etc.)		4,2%		3,4%		4,4%		2%		3,2%	
Members of the European Parliament and assistants		0,6%		1,5%		0,5%		1,3%		0,4%	
Others		13,5%		13,9%		13,3%		15%		14,1%	
Undeclared		9,5%		12,1%		11,8%		12,5%		17%	

9. Professional profile of the applicants (confirmatory applications)

		2017		2018		2019		2020		2021	
Civil society/ Private sector	Consultants	0%	7,8%	0%	12%	6,5%	25,8%	4%	8%	0%	6,2%
	Environmental lobbies	0%		0%		3,2%		0%		0%	
	Other groups of interest	3,9%		4%		6,4%		4%		0%	
	Industrial/ Commercial sector	0%		4%		0%		0%		3,1%	
	NGOs	3,9%		4%		9,7%		0%		3,1%	
Journalists		3,8%		16%		12,9%		8%		18,7%	
Lawyers		19,2%		8%		0%		16%		9,4%	
Academic world		26,9%		32%		38,7%		32%		25%	
Public authorities (non-EU institutions, third-country representatives, etc.)		0%		0%		0%		4%		0%	
Members of the European Parliament and assistants		0%		4%		0%		8%		0%	
Others		7,7%		4%		3,2%		12%		9,4%	
Undeclared		34,6%		24%		19,4%		12%		31,3%	

10. Geographic distribution of the applicants (initial requests)

Country	2017	2018	2019	2020	2021
Belgium	26,2%	28,1%	27,9%	24,7%	28,1%
Bulgaria	0,2%	0,2%	0,1%	0,5%	0,1%
Croatia	0,9%	0,3%	0,2%	0,2%	0,2%
Czech Republic	1%	0,7%	0,9%	0,5%	0,7%
Denmark	1,3%	1,3%	1%	0,9%	1,5%
Germany	13,1%	13%	13,6%	11,5%	12,4%
Estonia	0,2%	0%	0,1%	0,1%	0,2%
Greece	0,9%	0,8%	0,6%	1,2%	0,9%
Spain	4,7%	4,9%	4,8%	4,2%	4,9%
France	7,2%	6,3%	7,5%	6,5%	7%
Ireland	1%	0,6%	0,7%	10,4%	1%
Italy	5,5%	5%	4,3%	5,9%	5,6%
Cyprus	0,1%	0%	0,1%	0,2%	0,3%
Latvia	0,3%	0,1%	0%	0,1%	0,1%
Lithuania	0,4%	0,2%	0%	0%	0%
Luxembourg	1,1%	0,7%	2%	0,8%	0,8%
Hungary	0,6%	0,5%	0,5%	0,4%	0,1%
Malta	0,2%	0%	0%	0%	0,3%
Netherlands	6,1%	6,6%	5,4%	3,5%	5,6%
Austria	1,3%	1,5%	1,9%	1,2%	1,3%
Poland	1,2%	1,3%	0,8%	1,2%	1,8%
Portugal	0,9%	1%	0,9%	0,8%	0,8%
Romania	0,2%	0,2%	1%	0,5%	0,5%
Slovenia	0%	0,2%	0,2%	0,2%	0,2%
Slovakia	0,6%	0,3%	0,2%	0,5%	0,6%
Finland	0,5%	0,9%	0,9%	1,3%	1,2%
Sweden	1%	1,2%	0,5%	1%	1%
United Kingdom	7,8%	6,9%	6,4%	4,6%	4,4%
Third countries	5,3%	5,5%	6,5%	4,9%	5,5%
Undeclared	10,2%	11,7%	11%	12,2%	12,9%

11. Geographic distribution of the applicants (confirmatory applications)

Country	2017	2018	2019	2020	2021
Belgium	19,2%	36%	16,1%	36%	31,3%
Bulgaria	0%	0%	0%	4%	0%
Croatia	0%	0%	0%	0%	0%
Czech Republic	0%	0%	0%	0%	3,1%
Denmark	0%	4%	0%	0%	0%
Germany	15,4%	8%	22,6%	4%	3,2%
Estonia	0%	0%	0%	0%	0%
Greece	0%	4%	0%	0%	3,1%
Spain	0%	8%	6,4%	0%	3,1%
France	3,9%	4%	6,4%	0%	3,1%
Ireland	0%	0%	0%	4%	0%
Italy	0%	4%	6,5%	8%	3,1%
Cyprus	0%	0%	0%	0%	0%
Latvia	0%	0%	0%	0%	0%
Lithuania	0%	0%	0%	0%	0%
Luxembourg	0%	0%	3,2%	0%	0%
Hungary	0%	4%	0%	0%	0%
Malta	0%	0%	0%	0%	0%
Netherlands	11,5%	0%	6,5%	16%	12,5%
Austria	0%	0%	3,2%	0%	3,1%
Poland	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	4%	3,1%
Romania	0%	0%	0%	0%	0%
Slovenia	0%	0%	0%	0%	0%
Slovakia	0%	0%	0%	0%	0%
Finland	3,9%	4%	3,2%	4%	9,4%
Sweden	0%	4%	0%	0%	0%
United Kingdom	15,4%	4%	9,7%	8%	3,1%
Third countries	3,8%	0%	6,5%	8%	0%
Undeclared	26,9%	16%	9,7%	4%	18,8%

12. Policy area of requested documents

Policy	2017	2018	2019	2020	2021
Agriculture, Fisheries	4,9%	6,1%	4,6%	4,3%	7,8%
Internal Market	6,4%	4,7%	2,2%	0,6%	1,6%
Research	0,2%	1,4%	1,3%	1,9%	2%
Culture	0,9%	0,7%	0,3%	0,3%	0,5%
Education/Youth	0,8%	1,3%	1,3%	1,7%	1,2%
Competitiveness	1,7%	0,9%	1,8%	1,4%	3%
Energy	3,8%	3,1%	1,7%	1,6%	1,6%
Transport	4,2%	4,3%	5,4%	4,8%	2,8%
Environment	13,7%	8,6%	5,2%	6,2%	4,9%
Health and Consumer Protection	2,8%	2%	1,6%	2,1%	2,4%
Economic and Monetary Policy	9,4%	8,3%	10,1%	16,7%	14,8%
Tax Questions – Fiscal Issues	5,7%	6,1%	5,6%	4,4%	3,8%
External Relations – CFSP	10,2%	14,1%	15,2%	13,1%	12,1%
Civilian Protection	0,5%	0,1%	0,2%	0,1%	0,1%
Enlargement	0,5%	0,5%	1,1%	0,6%	0,5%
Defence and Military matters	1,1%	1,4%	1,7%	1,2%	1,1%
Assistance for Development	0,2%	0%	0,1%	0%	0%
Social Policy	4,1%	2,5%	3,5%	2%	2,6%
Justice and Home Affairs	15,9%	20%	17,9%	20,4%	17,8%
Legal questions	3,4%	4,6%	3,7%	2,7%	4,3%
Functioning of the institutions	2,8%	3,6%	3%	1,4%	2,5%
Financing of the Union (Budget, Statute)	0%	0,2%	0,3%	0,3%	0,3%
Transparency	0,7%	0,5%	0,7%	0,7%	0,7%
General policy questions	1,2%	1,1%	4,6%	6,7%	4,3%
Parliamentary Questions	0,7%	0,4%	0,8%	0,2%	0,1%
Telecommunications					3%
Various	1,77%	1,94%	2,6%	2,6%	2%
BREXIT	2,42%	1,56%	3,5%	2%	1,9%

13. Exceptions used to refuse access (initial stage)

Exceptions foreseen in regulation 1049/2001	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	51	3%	69	4,5%	51	4,5%	72	4,8%	87	8,2%
Protection of public interest as regards defence and military matters	39	2,3%	38	2,5%	16	1,4%	11	0,7%	4	0,4%
Protection of public interest as regards international relations	269	15,8%	467	30,6%	300	26,6%	233	15,5%	181	17%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	4	0,3%	15	1%	15	1,3%	6	0,4%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	2	0,1%	1	0,1%	3	0,3%	5	0,3%	10	0,9%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	5	0,4%	0	0%	27	2,5%
Protection of court proceedings and legal advice	12	0,7%	11	0,7%	10	0,9%	9	0,6%	9	0,8%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	3	0,3%	0	0%	0	0%
Protection of the Institution's decision-making process	545	32%	489	32%	215	19,1%	343	22,8%	223	20,9%
Several reasons together	780	45,8%	436	28,6%	509	45,2%	827	54,9%	525	49,3%

14. Exceptions used to refuse access (confirmatory applications)

Exceptions foreseen in regulation 1049/2001	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	1	1,2%	0	0%	0	0%	0	0%	0	0%
Protection of public interest as regards defence and military matters	4	4,8%	3	21,5%	0	0%	0	0%	0	0%
Protection of public interest as regards international relations	2	2,4%	3	21,4%	19	34,5%	3	5,8%	33	34%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	0	0%	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	0	0%	0	0%	2	3,6%	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	5	5,9%	3	21,4%	3	5,5%	12	23,1%	13	13,4%
Several reasons together or other reasons	72	85,7%	5	35,7%	31	56,4%	37	71,1%	51	52,6%

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

Exceptions foreseen in regulation 1049/2001	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	71	10,5%	46	11,1%	24	5,1%	28	5,2%	24	4,6%
Protection of public interest as regards defence and military matters	2	0,3%	5	1,2%	3	0,7%	2	0,4%	5	1%
Protection of public interest as regards international relations	44	6,5%	83	20,1%	109	23,2%	156	28,8%	65	12,5%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	3	0,4%	0	0%	7	1,5%	3	0,5%	1	0,2%
Protection of privacy and the integrity of the individual (protection of personal data)	114	16,8%	67	16,2%	65	13,8%	141	26%	168	32,4%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	8	1,7%	1	0,2%	3	0,6%
Protection of court proceedings and legal advice	17	2,5%	13	3,2%	24	5,1%	19	3,5%	38	7,3%
Protection of the purpose of inspections, investigations and audits	1	0,1%	0	0%	0	0%	0	0%	0	0%
Protection of the Institution's decision-making process	326	48,1%	117	28,3%	97	20,6%	55	10,1%	71	13,7%
Several reasons together or other reasons	100	14,8%	82	19,9%	133	28,3%	137	25,3%	144	27,7%

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

Exceptions foreseen in regulation 1049/2001	2017		2018		2019		2020		2021	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	0	0%	0	0%	1	2%	0	0%	1	1,8%
Protection of public interest as regards defence and military matters	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of public interest as regards international relations	2	7,7%	0	0%	8	16%	0	0%	4	7,4%
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%	0	0%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	1	3,9%	1	11,1%	0	0%	6	19,4%	5	9,3%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	2	4%	0	0%	0	0%
Protection of court proceedings and legal advice	1	3,8%	0	0%	0	0%	0	0%	4	7,4%
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	3	11,5%	2	22,2%	5	10%	0	0%	7	13%
Several reasons together or other reasons	19	73,1%	6	66,7%	34	68%	25	80,6%	33	61,1%

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)

2017		2018		2019		2020		2021	
377 610	264 730 (70%)	399 949	281 412 (70%)	420 763	297 670 (70.7%)	440 148	313 253 (71.1%)	460 907	330 434 (71.7%)

18. Number of documents (original language version) added to the public register in 2021

	Public upon circulation	LIMITE	LIMITE made public upon request	Partially available
Legislative	2 259	1 327	839	89
Non legislative	11 276	9 224	3 559	254

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

	2017	2018	2019	2020	2021
For the initial applications ¹⁸	16 (2 597 requests)	17 (2 474 requests)	17 (2 567 requests)	17 (2 321 requests)	17 (2 083 Requests)
For the confirmatory applications ¹⁹	40 (31 conf. applications)	36 (29 conf. applications)	37 (40 conf. applications)	34 (26 conf. applications)	33 (44 conf. Applications)
Pondered average (initial + confirmatory)	16,25	17,22	17,31	17,19	17,34

¹⁸ 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".

¹⁹ 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)

	2017	2018	2019	2020	2021
Initial applications	744 of 2 597 28,6%	892 of 2 474 36,1%	809 of 2 567 31,5%	776 of 2 321 33,4%	623 of 2083 29,9%
Confirmatory applications	31 (of 31)	26 ²⁰ (of 29)	40	26 [of 26]	43 [of 44]

²⁰ 3 confirmatory applications were withdrawn.