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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	13 September 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.:	COM(2023) 523 final
Subject:	ANNEX to the REPORT FROM THE COMMISSION on the application in 2022 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents

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Delegations will find attached document COM(2023) 523 final (annex).

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Encl.: COM(2023) 523 final (annex)



Brussels, 13.9.2023  
COM(2023) 523 final

ANNEX

**ANNEX**

*to the*

**REPORT FROM THE COMMISSION**

**on the application in 2022 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
<b>2021</b>	11,608	1,160	49	68	3	57	1,479	585	<b>15,009</b>
<b>2022<sup>1</sup></b>	9,324	784	68	41	1	39	1,408	531	<b>12,196</b>

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

	VISITORS	PAGE VIEWS
<b>2021</b>	15,222	33,508
<b>2022</b>	13,966	32,685

### 3. THE NUMBER OF INITIAL APPLICATIONS RECEIVED AND HANDLED

	2018	2019	2020	2021	2022
Applications registered	6,912	7,445	8,001	8,420	7,410
Replies given <sup>2</sup>	7,257	8,449	9,181	9,141	8,649
Replies given based on Regulation (EC) No 1049/2001	6,117	7,612	8,164	8,280	7,503

<sup>1</sup> 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 in 2022 compared to the 2021 figures.

<sup>2</sup> 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

	2018	2019	2020	2021	2022
Applications registered	318	334	309	355	418
Replies given	326	319	298	297	398
Replies given based on Regulation (EC) No 1049/2001	288	296	265	247	296

#### 5. THE APPLICATIONS RECEIVED PER DIRECTORATE-GENERAL OR SERVICE

	INITIAL STAGE (%)		CONFIRMATORY STAGE (%)	
	2021	2022	2021	2022
Secretariat-General – SG	9.89	11.66	11.27	11.96
Legal Service – SJ	2.38	2.35	0.85	2.63
Directorate-General for Communication – DG COMM	0.30	0.20	0.28	0
Inspire, Debate, Engage and Accelerate Action – IDEA	0	0.03	0	0
Task Force for Relations with the United Kingdom – UKTF <sup>3</sup>	0.12	0	0.28	0
Directorate-General for Budget – DG BUDG	1.08	0.99	1.41	2.39
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	1.50	1.12	2.82	2.87
Directorate-General for Informatics – DG DIGIT	0.52	0.39	0.28	0.72
Internal Audit Service – IAS	0.11	0.07	0	0
European Anti-Fraud Office <sup>4</sup> – OLAF	0.32	0.22	0	0.24
Directorate-General for Economic and Financial Affairs – DG ECFIN	1.03	0.74	0	0.72
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs – DG GROW	8.35	8.74	5.35	4.07
Directorate-General for Defence Industry and Space DG DEFIS	0.58	0.77	1.13	1.20
Directorate-General for Competition – DG COMP	4.63	3.71	6.20	7.18

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

<sup>4</sup> 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 (EASE). 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	1.58	2.23	3.10	1.67
Directorate-General for Agriculture and Rural Development – DG AGRI	2.30	2.55	4.51	0.96
Directorate-General for Mobility and Transport – DG MOVE	3.82	4.55	1.41	3.59
Directorate-General for Energy – DG ENER	2.93	2.89	5.63	10.05
Directorate-General for Environment – DG ENV	6.05	4.66	3.94	1.91
Directorate-General for Climate Action – DG CLIMA	2.32	2.23	1.97	1.20
Directorate-General for Research and Innovation – DG RTD	1.31	1.57	0.28	0.72
Directorate-General for Communications Networks, Content and Technology – DG CNECT	2.70	3.10	3.66	3.59
Joint Research Center – JRC	0.50	0.32	0.85	0.24
Directorate-General for Maritime Affairs and Fisheries – DG MARE	0.93	0.76	1.41	1.20
Directorate-General for Financial Stability, Financial Services and Capital Markets Union – DG FISMA	3.94	3.32	7.04	9.09
Directorate-General for Regional and Urban Policy – DG REGIO	1.15	2.56	1.97	0.96
Directorate-General for Structural Reform Support – DG REFORM	0.24	0.12	0	0
Directorate-General for Taxation and Customs Union – DG TAXUD	3.37	2.82	5.07	2.39
Directorate-General for Education, Youth, Sport and Culture – DG EAC	0.62	0.62	0.56	0
Directorate-General for Health and Food Safety – DG SANTE	7.80	6.98	7.89	6.70
Health Emergency Preparedness and Response Authority – HERA <sup>5</sup>	0.58	0.34	1.69	0
Directorate-General for Migration and Home Affairs – DG HOME	2.92	3.86	4.79	5.50
Directorate-General for Justice and Consumers – DG JUST	4.18	3.62	5.92	7.42
Directorate-General for Trade – DG TRADE	3.09	3.41	3.10	1.91
Directorate-General for Neighbourhood Policy and Enlargement Negotiations – DG NEAR	3.41	5.68	1.69	3.59
Directorate-General for International Partnerships – DG INTPA <sup>6</sup>	10.95	8.27	1.97	2.15
Directorate-General for European Civil Protection	0.43	0.24	0.56	0.24

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

<sup>6</sup> The Directorate-General for International Cooperation and Development – DG DEVCO officially became the Directorate-General for International Partnerships – DG INTPA on 16 January 2021.

and Humanitarian Aid Operations – DG ECHO				
Eurostat – ESTAT	0.13	0.22	0	0
Directorate-General for Interpretation – DG SCIC	0.01	0	0	0
Directorate-General for Translation – DG DGT	0.07	0.16	0	0
Publications Office of the European Union – OP	0.06	0.07	0	0
Service for Foreign Policy Instruments <sup>7</sup> – FPI	1.53	1.65	0	0.48
Office for Infrastructure and Logistics in Brussels – OIB	0.12	0.09	0	0
European Personnel Selection Office – EPSO	0.15	0.13	1.13	0.48
<b>Total (%)</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

## 6. THE SOCIAL AND OCCUPATIONAL PROFILE OF APPLICANTS<sup>8</sup>

	INITIAL STAGE (%)		CONFIRMATORY STAGE (%)	
	2021	2022	2021	2022
Academic institution/Think tank	8.98	8.66	6.20	3.11
Company/Business association	10.64	11.08	8.45	6.46
Journalist	8.03	8.99	12.68	12.68
Law firm/self-employed attorney	8.86	9.23	14.37	17.22
MEP/assistant MEP	1.24	0.85	3.10	2.15
Non-governmental organization (NGO)	11.21	8.85	16.90	15.79
Member States under Regulation (EC) No 1049/2001	0.44	0.34	0.28	0.24
(Sub)national authority	0.40	0.51	0	0.24
Not specified (Citizens)	50.20	46.17	38.03	41.39
Unknown	0	5.32	0	0.72
<b>Total (%)</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

<sup>7</sup> Since the creation of the European External Action Service (EEAS), only documents of the Service for Foreign Policy Instruments are held by the European Commission.

<sup>8</sup> Member State authorities is a new category introduced in 2018 in order to reflect the fact that national authorities of Member States are entitled to submit applications for access to documents in the framework of Regulation (EC) No 1049/2001. For statistical purposes, the profile of 'citizens' covers the applicants who indicated their profile as such, and constitutes the default option covering those who did not select any social/occupational category in GestDem. Since the introduction of EASE in September 2022, the social/occupational category field has become optional while submitting a request from the portal. This resulted in adding the 'Unknown' category in case applicants left the social/occupational category blank.

## 7. THE GEOGRAPHICAL ORIGIN OF APPLICANTS

	INITIAL STAGE (%)		CONFIRMATORY STAGE (%)	
	2021	2022	2021	2022
<b>EU MEMBER STATES</b>				
Belgium	33.33	32.20	38.87	33.73
Bulgaria	0.48	0.35	0.56	0.48
Czech Republic	0.90	0.88	1.97	2.39
Denmark	1.64	1.59	1.97	0.72
Germany	11.56	13.91	8.45	11.24
Estonia	0.26	0.05	0	0
Ireland	1.53	1.65	2.82	2.15
Greece	0.76	1.55	0	1.67
Spain	6.79	7.69	7.04	9.57
France	8.22	11.04	4.79	7.42
Croatia	0.40	0.24	0.56	0.72
Italy	6.52	5.87	8.17	8.37
Cyprus	0.18	0.18	0	0
Latvia	0.18	0.05	0.28	0
Lithuania	0.26	0.24	0.28	0
Luxembourg	0.93	0.67	0.28	0.48
Hungary	0.65	0.70	0.28	0.96
Malta	0.15	0.23	0.56	0.24
Netherlands	4.45	4.99	9.86	7.42
Austria	1.71	1.38	0.85	1.67
Poland	1.91	1.94	0.28	0.72
Portugal	0.87	1.28	0.28	0.96
Romania	0.75	0.66	0.28	0.72
Slovenia	0.29	0.11	0.28	0.24
Slovakia	0.33	0.36	0.28	0.72
Finland	1.06	0.82	1.13	0.48
Sweden	2.11	1.09	0.85	0.48
<b>THIRD COUNTRIES</b>				
Non-EU European countries	9.77	6.92	9.01	5.02
Africa	0.11	0.23	0	0.24
Asia	0.83	0.30	0	0
Australia and New Zealand	0.08	0.03	0	0.24
North America	0.89	0.66	0	0.96

South America	0.10	0.11	0	0
<b>Total (%)</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

## 8. THE TYPE OF REPLIES GIVEN AT THE INITIAL STAGE

	2018		2019		2020		2021		2022 <sup>9</sup>	
	No	%	No	%	No	%	No	%	No	%
Full access granted	3,633	59.39	4,018	52.79	4,549	55.72	3,984	48.12	2,414	42.71
Partial access granted	1,274	20.83	1,888	24.80	2,062	25.26	2,116	25.56	1,959	34.66
Access refused	969	15.84	980	12.87	834	10.22	1,414	17.08	678	12.00
No documents held	241	3.94	726	9.54	719	8.81	766	9.25	601	10.63
<b>Total</b>	<b>6,117</b>	<b>100</b>	<b>7,612</b>	<b>100</b>	<b>8,164</b>	<b>100</b>	<b>8,280</b>	<b>100</b>	<b>5,652</b>	<b>100</b>

## 9. THE TYPE OF REPLIES GIVEN AT THE CONFIRMATORY STAGE

	2018		2019		2020		2021		2022	
	No	%	No	%	No	%	No	%	No	%
Full revision – Full access granted	19	6.60	22	7.43	8	3.02	25	10.12	21	9.05
Partial revision – Partial access granted	98	34.03	136	45.95	91	34.34	70	28.34	98	42.24
Confirmation of initial reply – No (further partial) access granted	120	41.67	89	30.07	131	49.43	116	46.96	69	29.74
No documents held	51	17.70	49	16.55	35	13.21	36	14.57	44	18.97
<b>Total</b>	<b>288</b>	<b>100</b>	<b>296</b>	<b>100</b>	<b>265</b>	<b>100</b>	<b>247</b>	<b>100</b>	<b>232</b>	<b>100</b>

## 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 (%)	
	2021	2022	2021	2022
4.1(a), 1st indent – Protection of the public interest as regards public security	4.52	6.14	2.09	4.57

<sup>9</sup> The data for 2022 in tables 8, 9 and 10 cover only replies given until 23 September 2022 when the data from the decommissioned internal access to documents application GestDem have been transferred to the new application EASE. The data encoded in EASE will be reflected in the forthcoming annual reports.

4.1(a), 2nd indent – Protection of the public interest as regards defence and military matters	0.52	0.82	0	0.57
4.1(a), 3rd indent – Protection of the public interest as regards international relations	4.91	5.99	16.75	4.00
4.1(a), 4th indent – Protection of the public interest as regards the financial, monetary or economic policy of EU or a Member State	1.67	1.57	8.90	6.86
4.1(b) – Protection of privacy and the integrity of the individual	41.04	47.27	24.08	25.71
4.2, 1st indent – Protection of commercial interests	11.87	11.02	8.90	18.29
4.2, 2nd indent – Protection of court proceedings and legal advice	2.59	3.39	7.33	4.57
4.2, 3rd indent – Protection of the purpose of inspections, investigations and audits	7.79	8.35	25.65	25.14
4.3, first subparagraph – Decision-making process where no decision has been taken yet	23.31	12.31	3.66	5.71
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)	1.25	2.82	2.62	4.00
4.4 and 4.5 – Refusal by a Member State or a third party <sup>10</sup>	0.52	0.32	0	0.57
<b>Total (%)</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

<sup>10</sup>This 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.