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NOTE

From:	General Secretariat of the Council
To:	Working Party on Information
Subject:	Eighteenth 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

1. Delegations will find in the Annex to this note the draft annual report on requests for access to documents for 2019.
2. This report has been drawn up pursuant to Article 17(1) of Regulation (EC) No 1049/2001. It describes trends in requests for access to Council documents in 2019 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 the report is available as [open data on the Council's website](#).
3. Following the agreement of the Working Party on Information, the report will be submitted to COREPER/Council for approval.

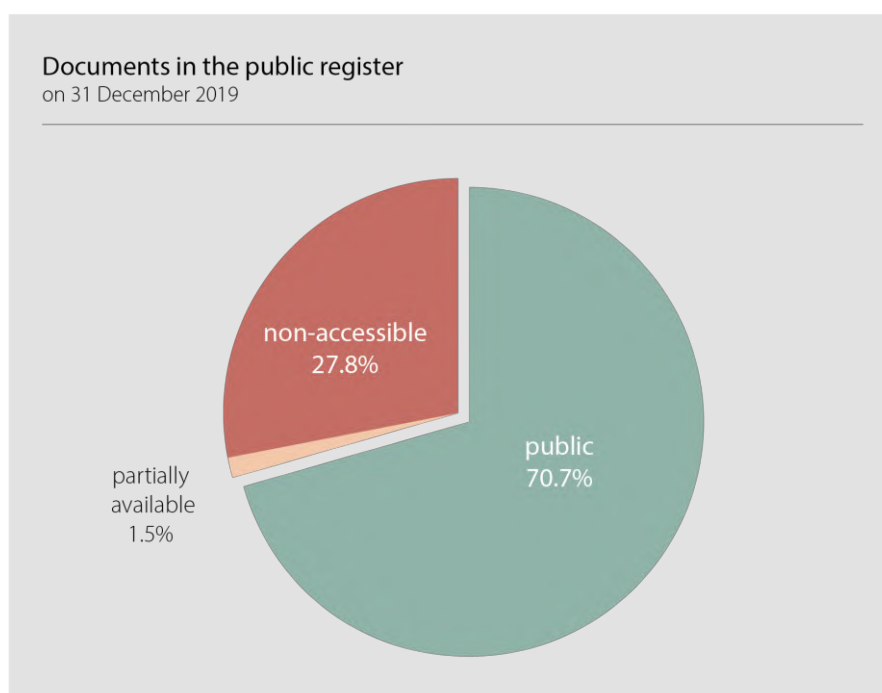
COUNCIL ANNUAL REPORT ON ACCESS TO DOCUMENTS - 2019¹

I. REQUESTS FOR ACCESS TO DOCUMENTS IN 2019

1. The public register

In 2019, the register attracted about 10 % of the Council website's traffic. It was consulted more than 435 350 times. Of more than 375 900 visitors, 27 % arrived at the register through web search engines, 66 % came via a direct link and 5 % were redirected from another website. More than 23 % of the visitors were based in Belgium, 9.3 % in Germany, 8.4 % in the United Kingdom, 7.9 % in Luxembourg and 4.5 % in France.

On 31 December 2019, the public register listed 420 763 original language documents (3 109 922 documents including all language versions). Of the total number of original language documents listed in the register, 70.7 % (297 670 documents) were public and available to download.



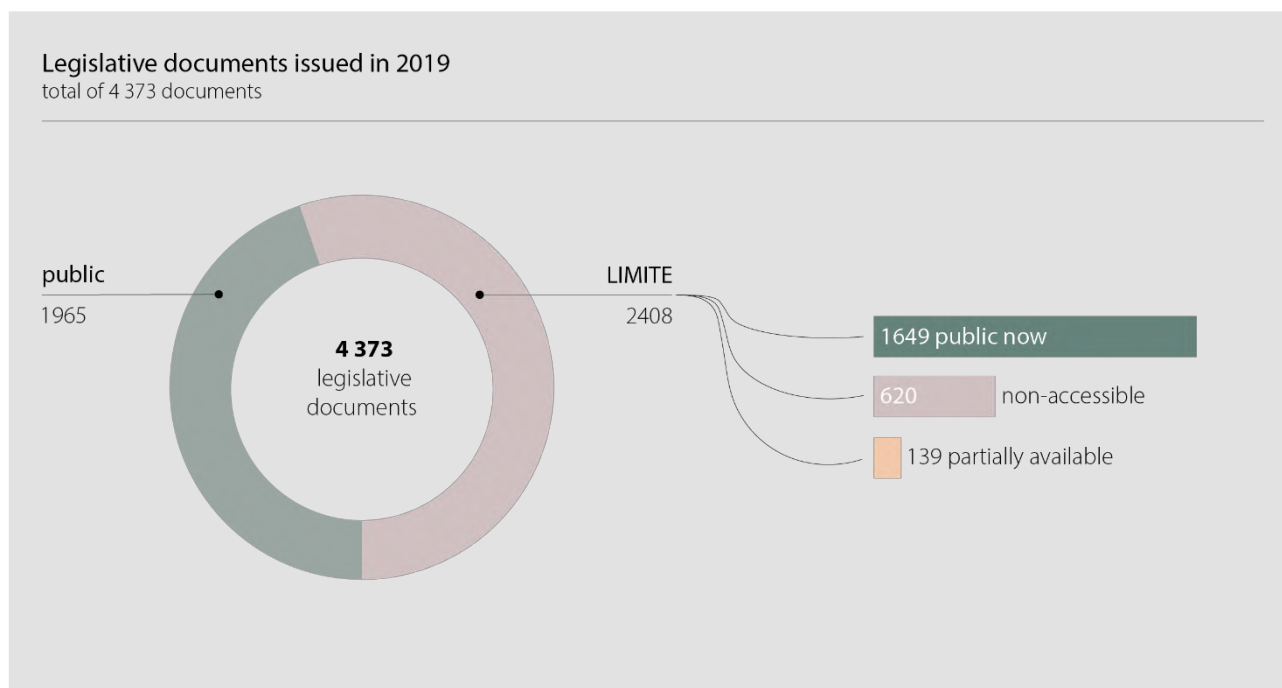
¹ This report has been drawn up pursuant to Article 17(1) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43), which provides that '*Each institution shall publish annually 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*'.

Throughout 2019, 23 111 original language documents were added to the register, of which 70.9 %, or 16 393 documents, are public and available to download. In 2019, the Council issued 12 720 documents that were available to the public upon circulation and it issued 9 483 LIMITE documents. It added to the register 405 documents that are partially available to the public.

In 2019, 908 classified documents² were referenced in the register and the Council issued 99 classified documents which are not listed in the register.

Legislative documents

During the period covered by this report, the Council issued 4 373 legislative documents³, of which 1 965 were issued as 'public' upon circulation. Of the remaining 2 408 legislative documents issued as LIMITE (with a reference in the register but not directly accessible), 1 649 documents were made public upon request. 82.6 % of the legislative documents issued in 2019 are thus fully available to the public.

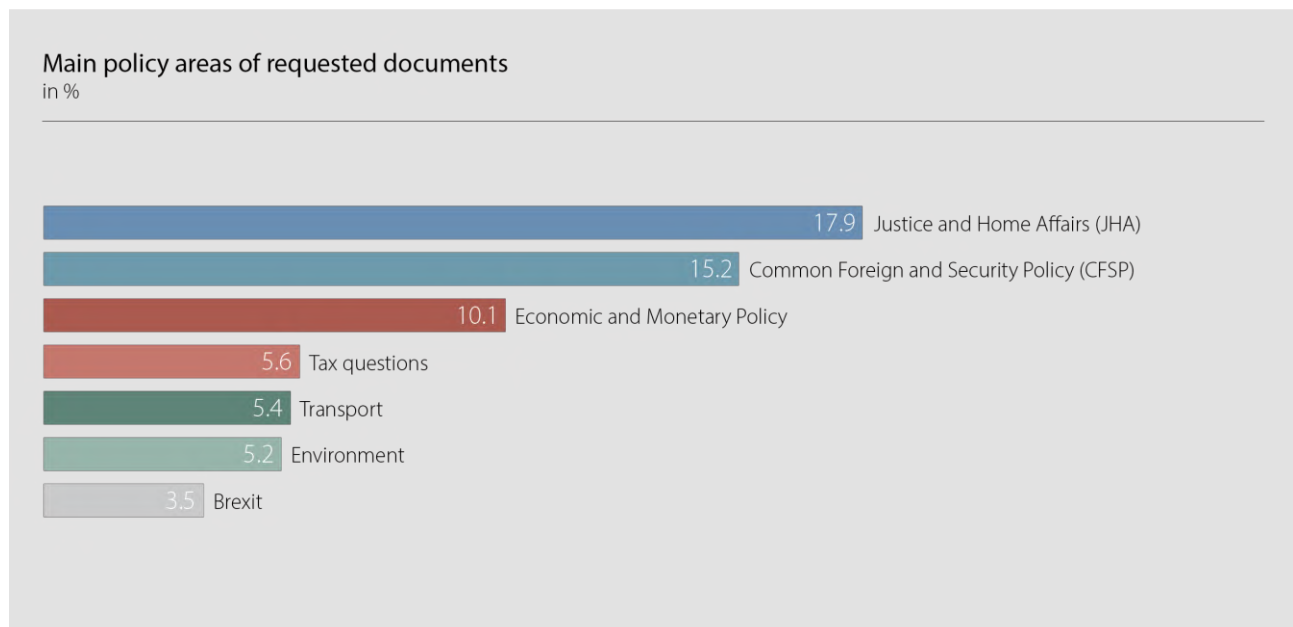
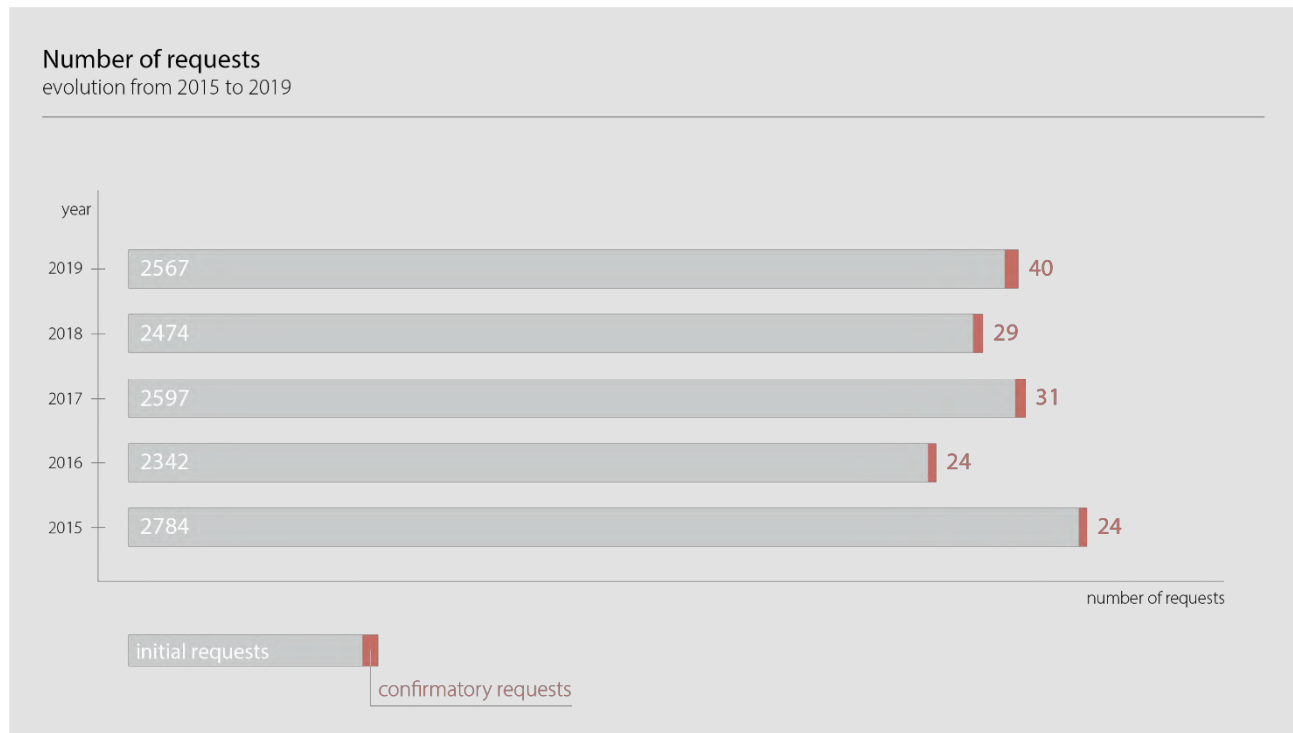


² As established by Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

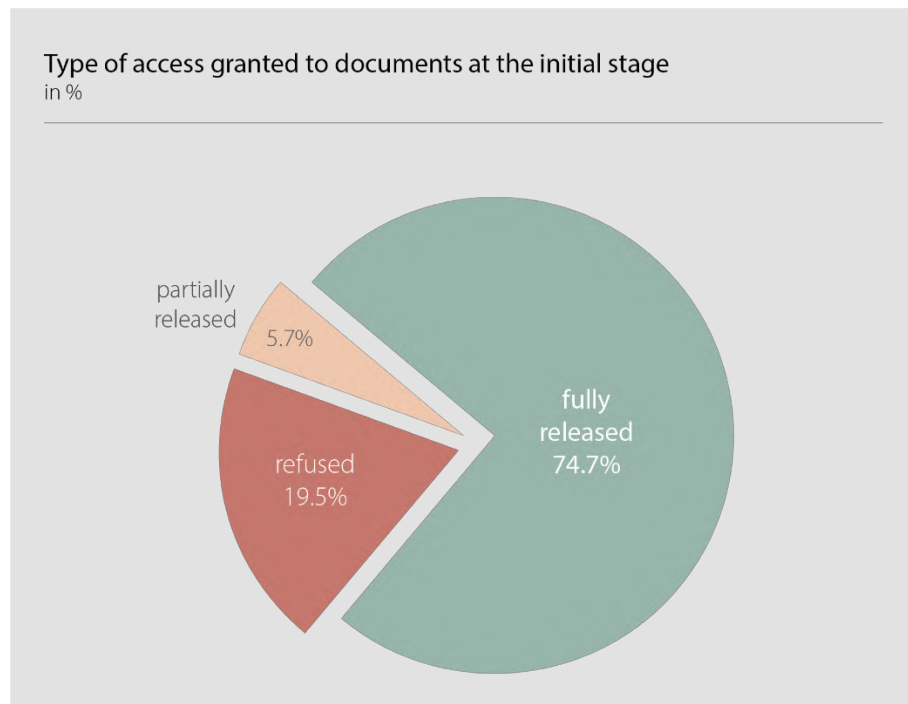
³ As defined in Article 12 of Regulation (EC) No 1049/2001, legislative documents are documents drawn up and/or received in the course of a legislative procedure.

2. Requests for access to documents

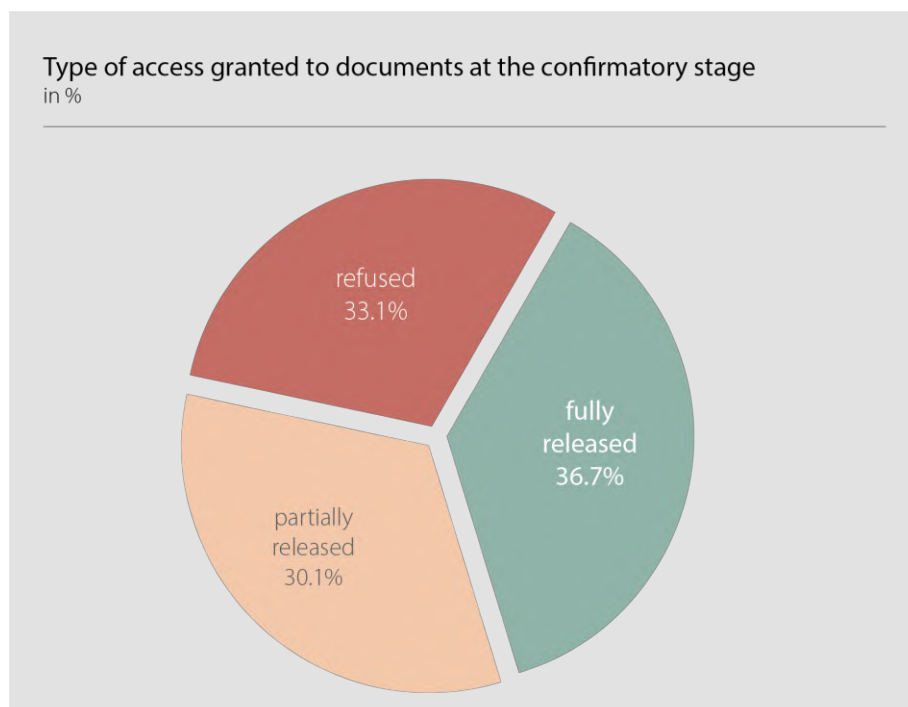
In 2019, the Council received 2 567 initial requests for access to documents and 40 confirmatory applications, which required 8 222 documents to be analysed.



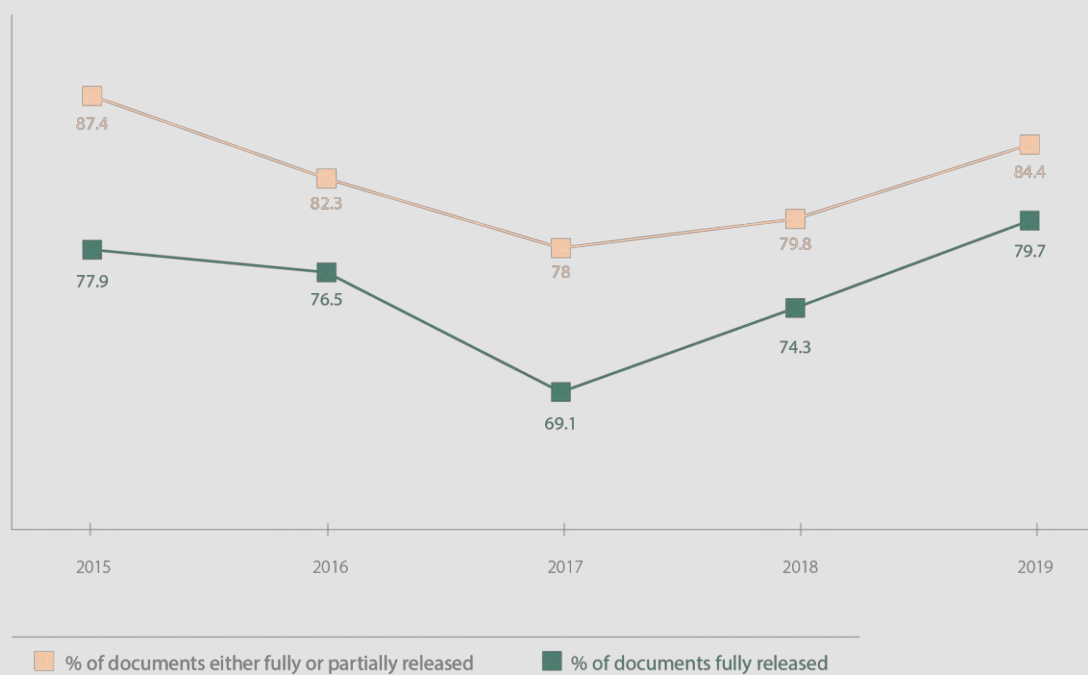
At the initial stage, full access was granted to 6 145 documents (74.7 %) and partial access to 470 documents (5.7 %). Access was refused to 1 607 documents (19.5 %).



Following confirmatory applications, full access was granted to 61 documents and partial access to 50 documents. The Council confirmed that access should be refused to 55 documents.



Rate of documents released during the whole procedure
evolution from 2015 to 2019 (in %)



Exceptions used to refuse access

At the initial stage, access was refused to documents mainly in order to protect the public interest as regards international relations (300 times, or 26.6 %), to protect the Council's decision-making process (215 times, or 19.1 %), and for reasons of public security (51 times, or 4.5 %). In 45.2 % of cases (509 times), documents were refused based on a combination of several exceptions.

Main exceptions used to refuse access at the initial stage in %



In nearly 30 % of cases, partial access was granted based on a combination of several exceptions.

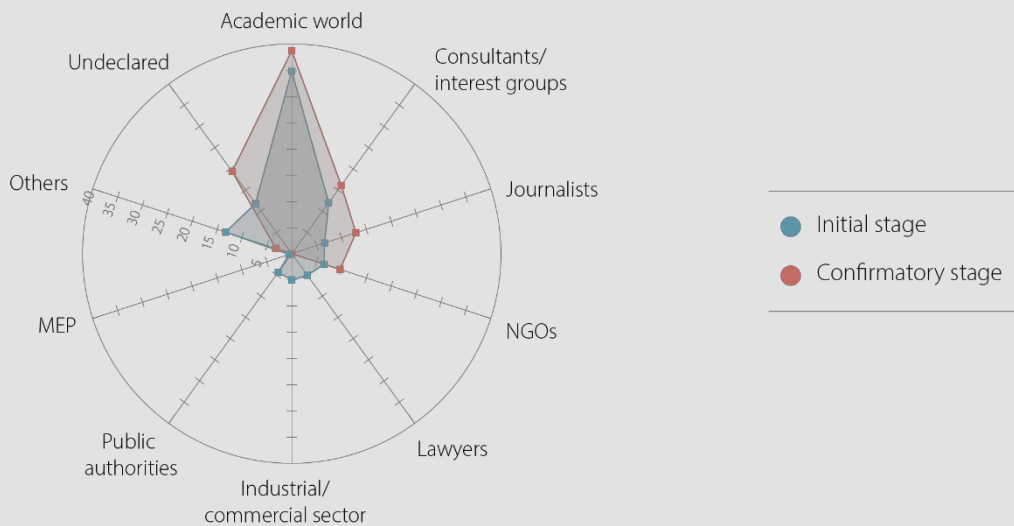
The next most used exceptions in justifying the granting of partial access only were the protection of the public interest as regards international relations and the protection of the Council's decision-making process (23.2 % and 20.6 % respectively).

At the confirmatory stage, documents were mostly refused (56.4%) or only partially released (68%) due to a combination of exceptions. Access was also totally or partially refused to documents in order to protect the public interest as regards international relations (34.5 % and 23.2 % respectively).

Exceptions used to refuse access at the confirmatory stage in %

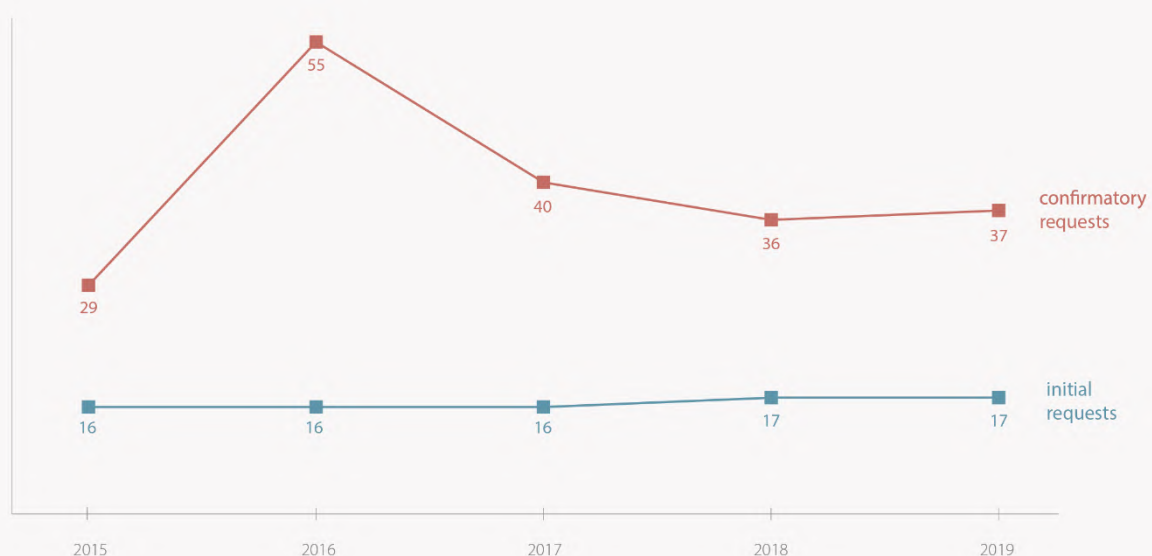


Professional profile of the applicants at the initial and at the confirmatory stage (in %)



It took the GSC on average 17 working days to process initial requests and 37 working days to process confirmatory applications.

Average working days for the GSC to process requests evolution from 2015 to 2019



The deadline of 15 working days for processing initial requests was extended for 802 requests, i.e. in 31.5 % of cases. The deadline was extended for all the confirmatory applications.

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

II. COMPLAINTS LODGED WITH THE EUROPEAN OMBUDSMAN, OWN-INITIATIVES INQUIRIES, STRATEGIC INITIATIVES BY THE EUROPEAN OMBUDSMAN AND LEGAL ACTION

1. Complaints lodged with the European Ombudsman

In 2019, the Council received four complaints related to access to documents and one related to the commercial sponsorship of the Presidency of the Council of the European Union.

The complaint received in 2018 and one complaint received in 2017 are included here since there were some developments in those cases in 2019.

It has to be noted that for the 2017 complaint mentioned in this report as well as for three out of the four complaints on access to documents received in 2019, the Ombudsman concluded that there was no maladministration on behalf of the Council.

Complaint 1955/2017/THH

This complaint, received on 13 November 2017, concerns the Council's refusal to grant more than very limited partial access to a number of opinions of the Article 255 Panel on Judicial Appointments to the Court of Justice of the EU and the General Court of the EU.

On 11 December 2017, the Ombudsman's services carried out an inspection, which was limited to the favourable opinions issued by the Panel.

A report of this inspection was sent by the Ombudsman's services to the Council.

Another meeting with the Ombudsman's services took place on 11 June 2018 and a meeting report was sent by the Ombudsman's services to the Council on 21 June 2018.

On 23 May 2019, the Ombudsman informed the Council of her decision in this case. The Ombudsman considered that the overriding public interest in this case lies in protecting the Panel's decision-making process and concluded that the Council was justified in refusing to grant full public access to the opinions of the Panel. Based on these considerations, the Ombudsman found that there was no maladministration by the Council and decided to close the case.

Complaint 1946/2018/KR

This complaint, received on 19 December 2018, concerns the publication of information about meetings between the President of the European Council and/or members of his Cabinet and interest representatives.

A meeting with the Ombudsman's representatives took place on 25 February 2019. A report of that meeting was sent by the Ombudsman's services to the GSC on 28 March 2019 and subsequently to the complainant.

In her decision of 18 June 2019, the Ombudsman made suggestions to the Council for the improvement of current practices and invited the Council to inform her, by 30 September 2019, of any action taken in relation to her suggestions.

On 1 October 2019, the Secretary General of the Council sent a reply informing the Ombudsman that the matter would be brought to the attention of the new President of the European Council who would decide on the appropriate follow-up after taking-up office on 1 December 2019.

By letter of 10 October 2019, the Ombudsman asked the Secretary General of the Council to provide an assessment as regards her suggestions for improvements.

At the time of publication of this report, the matter was still under consideration and any developments were still to be notified to the Ombudsman by the General Secretariat of the Council.

Complaint 2011/2018/THH

Received on 15 January 2019, this complaint concerned the Council's refusal, pursuant to the second indent of Article 4(1)(a) of Regulation (EC) No 1049/2001 (protection of the public interest as regards defence and military matters), to grant public access to a note from the European Union Military Committee to the Political and Security Committee on the Progress Catalogue 2018, which identifies priorities for EU military capability development.

The complainant alleged that there was a prevailing citizens' interest in being informed on the domain concerned, that the content of the document was of a general nature and that the Council could have considered granting at least partial access.

On 14 June 2019, following an inspection of the relevant document, the Ombudsman decided to close the inquiry by concluding that the Council's position refusing disclosure owing to the risk of jeopardising the public interest and its refusal to grant partial access were justified and therefore there was no maladministration by the Council.

Complaint 640/2019/TE

In May 2019, the Ombudsman opened an inquiry into a complaint submitted by an environmental law organization 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 opinion⁴ 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"*.

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

⁴ [5266/20](#)

Complaint 1069/2019/MIG⁵

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

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, etc., or informal meetings in which no decisions can be reached).

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 was asked to send the Ombudsman a detailed opinion on these recommendations during the Spring 2020.

⁵ 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.

Complaint 1353/2019/MIG

This complaint, received on 26 July 2019, concerns the delay in replying to a request for access to documents related to information on different aspects of the sponsorship of the Romanian Presidency.

On 29 August 2019, the General Secretariat of the Council replied to the applicant stating that after exhaustive research, it had been unable to trace the initial request in the relevant registry system and providing a substantive reply to the applicant's request. The Ombudsman was informed about this reply on 20 September 2019.

On 1 October 2019, the General Secretariat of the Council was informed that the European Ombudsman decided to close the case with the conclusion that it had been settled.

Complaint 1611/2019/KR

This complaint, received on 4 September 2019, concerns the Council's refusal to grant access to documents ST 10249/17 RESTREINT UE/EU RESTRICTED and ST 10249/17 ADD 1 RESTREINT UE/EU RESTRICTED, which contain the Recommendation for a Council Decision authorising the opening of negotiations on an agreement between the European Union and the Russian Federation on the operation of the Nord Stream 2 pipeline and the negotiation directives for those international negotiations.

On 14 October 2019, the Ombudsman's services carried out an inspection of the documents.

On 27 March 2020, the General Secretariat of the Council was informed that the Ombudsman closed the inquiry finding that there was no maladministration from the Council accepting, on essence, that it was legitimate to refuse access based on the risk that disclosure could entail as regards international relations.

2. European Ombudsman's strategic inquiries

Strategic inquiry OI/1/2019/MIG into the transparency of the bodies involved in preparing Eurogroup meetings

By letter of 13 May 2019, the European Ombudsman informed the Council that she had decided to launch a strategic inquiry into the transparency of the bodies involved in preparing Eurogroup meetings, namely the Eurogroup Working Group (EWG), the Economic and Financial Committee (EFC) and the Economic Policy Committee (EPC).

In her letter, the Ombudsman pointed out that the confidentiality of those bodies' proceedings made it particularly important to examine how requests for public access to relevant documents had been dealt with in practice.

Accordingly, she considered it necessary for the Ombudsman's services to carry out an inspection of the files relating to requests for public access to Eurogroup, EWG, EFC and EPC documents handled by the Council since February 2016 and to discuss relevant issues with the GSC's representatives. The inspection took place on 9 July 2019.

In her decision of 13 December 2019, the Ombudsman found that the Council had dealt properly with the relevant requests for public access and that the Eurogroup had taken steps to further improve its transparency policy. In view of these improvements, the Ombudsman decided to close this strategic inquiry.

3. Court cases

In 2019, there was one action launched against the Council concerning access to documents and the Council intervened in support of a Commission's case.

Case T-252/19 (*L. Pech v. Council*), challenging the legality of the Council's decision to refuse full public access to an opinion of the Council Legal Service (ST 13593/18 INIT), is currently pending before the General Court.

The Council also intervened in support of the European Commission in case T-168/17 (*CBA v. Commission*). In this case, the applicant submitted that the exceptions provided for in Article 4(2) of Regulation (EC) No 1049/2001 are unlawful, since they conflict with higher-ranking primary law, in particular with Articles 42 and 47 of the Charter of Fundamental Rights of the European Union.

In its judgment of 30 January 2020, the General Court dismissed this action. The Court held that the right of access to documents enshrined in Article 42 of the Charter of Fundamental Rights is not unlimited, but exercised under the conditions defined by the Treaties, and that this Article does not prohibit in general any provision of secondary law providing for exceptions to the right of access, such as Article 4(2) of Regulation (EC) No 1049/2001. The Court also considered that the exceptions provided for by Article 4 of Regulation (EC) No 1049/2001 do not preclude the exercise of the right to an effective remedy and to a fair trial pursuant to Article 47 of the Charter. In that regard, it also recalled that the primary purpose of Regulation (EC) No 1049/2001 is to give the general public a right of access to documents of the institutions and not to lay down rules designed to protect a particular interest or rules on the production of evidence by a party in court proceedings.

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

The GSC made public 2 684 preparatory documents relating to 98 legislative acts that were adopted in 2019.

IV. VOTING RESULTS

In 2019, the GSC prepared 138 voting results for legislative acts which were adopted by the Council throughout the year.

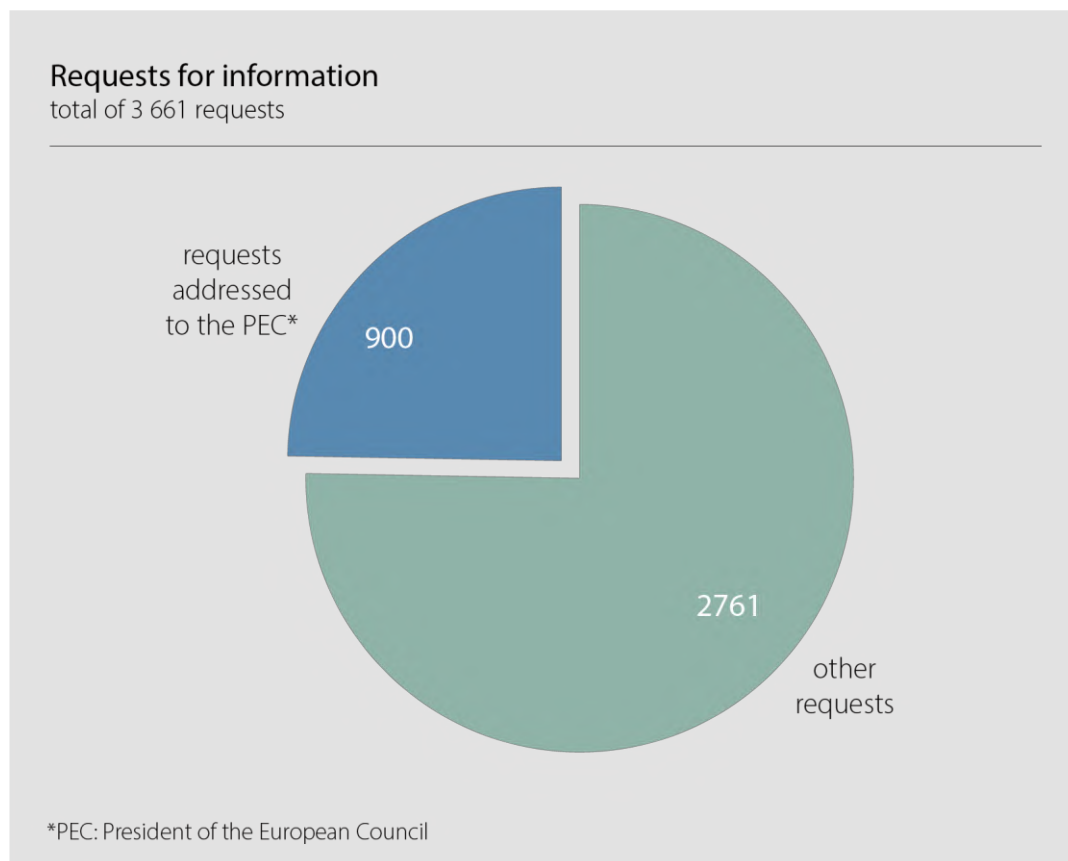
V. REQUESTS FOR INFORMATION

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 2019, the GSC responded to 3 661 requests for information. These replies were sent as follows:

- 2 452 emails (this figure includes requests received by emails and via the electronic forms)
- 737 letters
- 472 phone calls

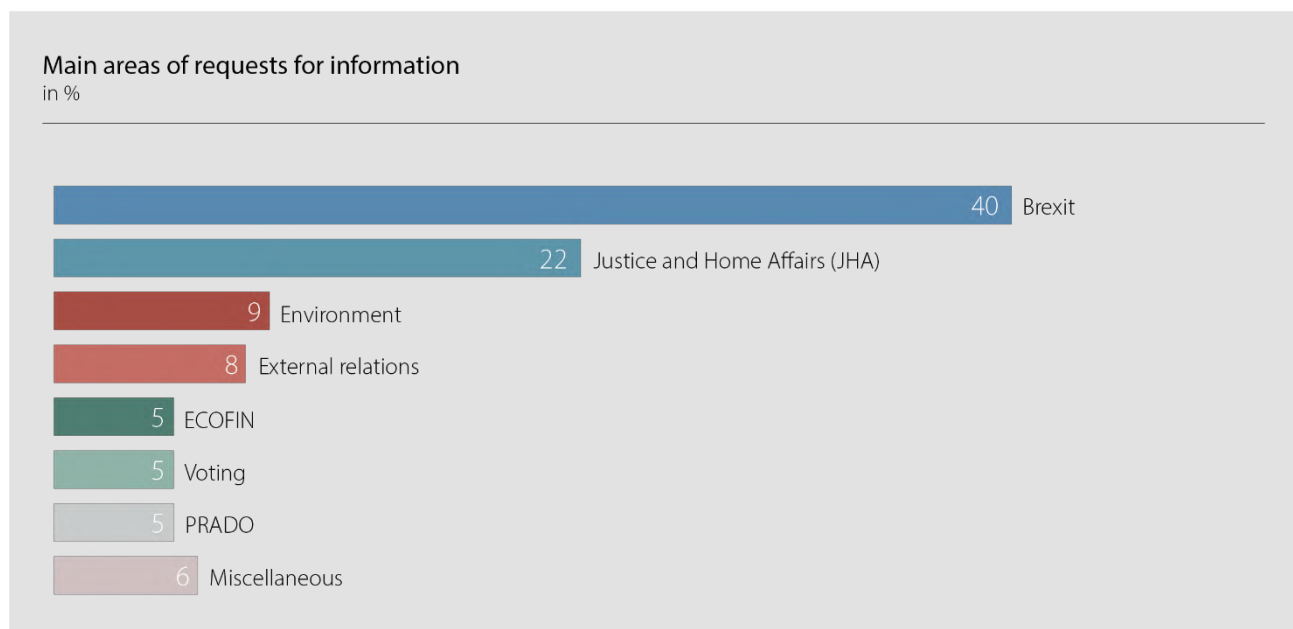
900 of the communications replied to were addressed to the President of the European Council (PEC).



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

In 2019, the main areas concerned by these requests were the following :

- BREXIT: 40%
- Justice and Home Affairs: 22%
- Environment: 9%
- External relations: 8%
- ECOFIN: 5%
- Voting: 5%
- PRADO: 5%
- Miscellaneous: 6%



Under 'Miscellaneous', the GSC received requests regarding the following :

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

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

In 2019, the total number of 'sans suite' letters was 605.

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

2015	2016	2017	2018	2019
2 784	2 342	2 597	2 474	2 567

2. Number of documents requested by initial requests

2015	2016	2017	2018	2019
12 102	10 232	8 000	7 930	8 222

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

2015		2016		2017		2018		2019	
10 371		7 774		6 144		6 141		6 615	
Partial 1 094	full 9 277	partial 501	full 7 273	Partial 678	full 5 466	partial 413	full 5 728	partial 470	full 6145

4. Number of confirmatory applications

2015	2016	2017	2018	2019
24	24	31	29	40

5. Number of documents considered by confirmatory applications

2015	2016	2017	2018	2019
127	192	135	64	166

6. Documents released by the Council at confirmatory stage

2015		2016		2017		2018		2019	
61		89		51		50		111	
partial 38	full 23	partial 55	full 34	partial 26	full 25	partial 9	full 41	partial 50	full 61

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

2015		2016		2017		2018		2019	
77,9%	87,4%	76,5%	82,3%	69,1%	78%	74,3%	79,8%	79,7%	86,4%

8. Professional profile of the applicants (initial requests)

		2015	2016		2017		2018		2019	
Civil society/ Private sector	Consultants	27%	7,7%	24,7 %	8,3%	25,4 %	9,1%	27%	8,2%	23,5 %
	Environmental lobbies		0,4%		0,2%		0,1%		0,4%	
	Other groups of interest		4,1%		4,7%		4,3%		3,4%	
	Industrial/ Commercial sector		6,7%		7,8%		7,8%		5%	
	NGOs		5,8%		4,4%		5,7%		6,5%	
Journalists		4,1%	4,8%		5,7%		6,4%		6,6%	
Lawyers		10,3%	7,2%		8,2%		6,9%		5,1%	
Academic world		37,9%	35,2%		32,9%		28,8%		34,8%	
Public authorities (non-EU institutions, third-country representatives, etc.)		2,8%	3,4%		4,2%		3,4%		4,4%	
Members of the European Parliament and assistants		0,9%	1%		0,6%		1,5%		0,5%	
Others		10,3%	14,1%		13,5%		13,9%		13,3%	
Undeclared		6,7%	9,5%		9,5%		12,1%		11,8%	

9. Professional profile of the applicants (confirmatory applications)

		2015	2016		2017		2018		2019	
Civil society/ Private sector	Consultants	16,6%	0%	23.5 %	0%	7,8%	0%	12%	6,5%	25,8 %
	Environmental lobbies		5,9%		0%		0%		3,2%	
	Other groups of interest		5,9%		3,9%		4%		6,4%	
	Industrial/ Commercial sector		11,7 %		0%		4%		0%	
	NGOs		0%		3,9%		4%		9,7%	
Journalists		5,6%	11,8%		3,8%		16%		12,9%	
Lawyers		33,3%	5,9%		19,2%		8%		0%	
Academic world		33,3%	11,8%		26,9%		32%		38,7%	
Public authorities (non-EU institutions, third-country representatives, etc.)		0%	0%		0%		0%		0%	
Members of the European Parliament and assistants		5,6%	17,6%		0%		4%		0%	
Others		0%	17,6%		7,7%		4%		3,2%	
Undeclared		5,6%	11,8%		34,6%		24%		19,4%	

10. Geographic distribution of the applicants (initial requests)

Country	2015	2016	2017	2018	2019
Belgium	25%	22%	26,2%	28,1%	27,90%
Bulgaria	0,3%	0,3%	0,2%	0,2%	0,10%
Croatia	0,3%	0%	0,9%	0,3%	0,20%
Czech Republic	0,5%	0,6%	1%	0,7%	0,90%
Denmark	3,3%	1,8%	1,3%	1,3%	1%
Germany	13%	14,4%	13,1%	13%	13,60%
Estonia	0,2%	0,1%	0,2%	0%	0,10%
Greece	0,8%	0,7%	0,9%	0,8%	0,60%
Spain	4,9%	4,7%	4,7%	4,9%	4,80%
France	5,6%	6,5%	7,2%	6,3%	7,50%
Ireland	1%	0,8%	1%	0,6%	0,70%
Italy	4,1%	5,3%	5,5%	5%	4,30%
Cyprus	0,2%	0%	0,1%	0%	0,10%
Latvia	0,1%	0%	0,3%	0,1%	0%
Lithuania	0%	0%	0,4%	0,2%	0%
Luxembourg	0,4%	0,9%	1,1%	0,7%	2%
Hungary	0,2%	0,2%	0,6%	0,5%	0,50%
Malta	0,2%	0,2%	0,2%	0%	0%
Netherlands	7,3%	6,9%	6,1%	6,6%	5,40%
Austria	1,6%	2,9%	1,3%	1,5%	1,90%
Poland	1,7%	1%	1,2%	1,3%	0,80%
Portugal	0,5%	0,6%	0,9%	1%	0,90%
Romania	0,3%	0,3%	0,2%	0,2%	1%
Slovenia	0,2%	0,1%	0%	0,2%	0,20%
Slovakia	0,3%	0,9%	0,6%	0,3%	0,20%
Finland	1,1%	1,2%	0,5%	0,9%	0,90%
Sweden	0,8%	2%	1%	1,2%	0,50%
United Kingdom	9,9%	7,7%	7,8%	6,9%	6,40%
Third countries	4%	0,3%	5,3%	5,5%	6,50%
Undeclared	12,2%	11,8%	10,2%	11,7%	11%

11. Geographic distribution of the applicants (confirmatory applications)

Country	2015	2016	2017	2018	2019
Belgium	38,9%	47%	19,2%	36%	16,1%
Bulgaria	0%	0%	0%	0%	0%
Croatia	0%	0%	0%	0%	0%
Czech Republic	0%	0%	0%	0%	0%
Denmark	0%	5,9%	0%	4%	0%
Germany	16,7%	0%	15,4%	8%	22,6%
Estonia	0%	0%	0%	0%	0%
Greece	5,5%	0%	0%	4%	0%
Spain	0%	5,9%	0%	8%	6,4%
France	5,6%	5,9%	3,9%	4%	6,4%
Ireland	0%	0%	0%	0%	0%
Italy	0%	0%	0%	4%	6,5%
Cyprus	0%	0%	0%	0%	0%
Latvia	0%	0%	0%	0%	0%
Lithuania	0%	0%	0%	0%	0%
Luxembourg	0%	0%	0%	0%	3,2%
Hungary	0%	0%	0%	4%	0%
Malta	0%	0%	0%	0%	0%
Netherlands	11,1%	17,6%	11,5%	0%	6,5%
Austria	0%	5,9%	0%	0%	3,2%
Poland	0%	0%	0%	0%	0%
Portugal	0%	0%	0%	0%	0%
Romania	0%	0%	0%	0%	0%
Slovenia	0%	0%	0%	0%	0%
Slovakia	0%	0%	0%	0%	0%
Finland	0%	0%	3,9%	4%	3,2%
Sweden	0%	0%	0%	4%	0%
United Kingdom	11,1%	0%	15,4%	4%	9,7%
Third countries	0%	0%	3,8%	0%	6,5%
Undeclared	11,1%	11,8%	26,9%	16%	9,7%

12. Policy area of requested documents

Policy	2015	2016	2017	2018	2019
Agriculture, Fisheries	3,6%	5,2%	4,9%	6,1%	4,60%
Internal Market	8,3%	5,3%	6,4%	4,7%	2,20%
Research	0,1%	0,3%	0,2%	1,4%	1,30%
Culture	0,4%	0,9%	0,9%	0,7%	0,30%
Education/Youth	0,5%	0,5%	0,8%	1,3%	1,30%
Competitiveness	0,4%	0,5%	1,7%	0,9%	1,80%
Energy	0,9%	0,7%	3,8%	3,1%	1,70%
Transport	3,3%	6,5%	4,2%	4,3%	5,40%
Environment	8%	11%	13,7%	8,6%	5,20%
Health and Consumer Protection	5,2%	4,7%	2,8%	2%	1,60%
Economic and Monetary Policy	8,5%	8,3%	9,4%	8,3%	10,10%
Tax Questions – Fiscal Issues	4,3%	6,5%	5,7%	6,1%	5,60%
External Relations – CFSP	12,7%	10,2%	10,2%	14,1%	15,20%
Civilian Protection	0,3%	0,5%	0,5%	0,1%	0,20%
Enlargement	0,6%	0,7%	0,5%	0,5%	1,10%
Defence and Military matters	1,4%	1%	1,1%	1,4%	1,70%
Assistance for Development	0%	0%	0,2%	0%	0,10%
Regional Policy and Economical/Social Cohesion	0%	0,1%	0%	0%	0%
Social Policy	4,1%	3,5%	4,1%	2,5%	3,50%
Justice and Home Affairs	27,4%	19,1%	15,9%	20%	17,90%
Legal questions	2,2%	3,5%	3,4%	4,6%	3,70%
Functioning of the institutions	3,3%	6,2%	2,8%	3,6%	3%
Financing of the Union (Budget, Statute)	0,1%	0,1%	0%	0,2%	0,30%
Transparency	0,5%	0,5%	0,7%	0,5%	0,70%
General policy questions	1,6%	1,3%	1,2%	1,1%	4,60%
Parliamentary Questions	1,1%	0,9%	0,7%	0,4%	0,80%
Various	0%	0%	1,77%	1,94%	2,60%
BREXIT			2,42%	1,56%	3,50%

13. Exceptions used to refuse access (initial stage)

Exceptions foreseen in regulation 1049/2001	2015		2016		2017		2018		2019	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	47	3,6%	67	4,3%	51	3%	69	4,5%	51	4,50%
Protection of public interest as regards defence and military matters	22	1,7%	15	1%	39	2,3%	38	2,5%	16	1,40%
Protection of public interest as regards international relations	244	18,7%	223	14,4%	269	15,8%	467	30,6%	300	26,60%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	28	2,2%	16	1%	4	0,3%	15	1%	15	1,30%
Protection of privacy and the integrity of the individual (protection of personal data)	3	0,2%	1	0,1%	2	0,1%	1	0,1%	3	0,30%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	0	0%	0	0%	5	0,40%
Protection of court proceedings and legal advice	11	0,8%	18	1,2%	12	0,7%	11	0,7%	10	0,90%
Protection of the purpose of inspections, investigations and audits	0	0%	2	0.1%	0	0%	0	0%	3	0,30%
Protection of the Institution's decision-making process	587	45%	555	35,9%	545	32%	489	32%	215	19,10%
Several reasons together	362	27,8%	648	42%	780	45,8%	436	28,6%	509	45,20%

14. Exceptions used to refuse access (confirmatory applications)

Exceptions foreseen in regulation 1049/2001	2015		2016		2017		2018		2019	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	2	3%	0	0%	1	1,2%	0	0%	0	0%
Protection of public interest as regards defence and military matters	0	0%	0	0%	4	4,8%	3	21,5%	0	0%
Protection of public interest as regards international relations	23	34,9%	8	7,7%	2	2,4%	3	21,4%	19	34,50%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	1	1%	0	0%	0	0%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	0	0%	1	1%	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%	1	1%	0	0%	0	0%	2	3,60%
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%	2	1,9%	5	5,9%	3	21,4%	3	5,50%
Several reasons together or other reasons	41	62%	90	87,4%	72	85,7%	5	35,7%	31	56,40%

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

Exceptions foreseen in regulation 1049/2001	2015		2016		2017		2018		2019	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	33	3%	36	7,2%	71	10,5%	46	11,1%	24	5,10%
Protection of public interest as regards defence and military matters	5	0,4%	0	0%	2	0,3%	5	1,2%	3	0,70%
Protection of public interest as regards international relations	105	9,6%	108	21,5%	44	6,5%	83	20,1%	109	23,20%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	2	0,2%	1	0,2%	3	0,4%	0	0%	7	1,50%
Protection of privacy and the integrity of the individual (protection of personal data)	317	29%	106	21,2%	114	16,8%	67	16,2%	65	13,80%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	2	0,4%	0	0%	0	0%	8	1,70%
Protection of court proceedings and legal advice	22	2%	20	4%	17	2,5%	13	3,2%	24	5,10%
Protection of the purpose of inspections, investigations and audits	0	0%	2	0,4%	1	0,1%	0	0%	0	0%
Protection of the Institution's decision-making process	295	27%	85	17%	326	48,1%	117	28,3%	97	20,60%
Several reasons together or other reasons	315	29%	141	28,1%	100	14,8%	82	19,9%	133	28,30%

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

Exceptions foreseen in regulation 1049/2001	2015		2016		2017		2018		2019	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	1	2%	0	0%	0	0%	0	0%	1	2%
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	12	31,6%	1	1,8%	2	7,7%	0	0%	8	16%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	6	10,9%	0	0%	0	0%	0	0%
Protection of privacy and the integrity of the individual (protection of personal data)	1	2,6%	25	45,5%	1	3,9%	1	11,1%	0	0%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	0	0%	0	0%	0	0%	2	4%
Protection of court proceedings and legal advice	0	0%	0	0%	1	3,8%	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%	0	0%	3	11,5%	2	22,2%	5	10%
Several reasons together or other reasons	24	63,2%	23	41,8%	19	73,1%	6	66,7%	34	68%

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)

2015		2016		2017		2018		2019	
331 710	230 720 (70%)	354 381	246 901 (70%)	377 610	264 730 (70%)	399 949	281 412 (70%)	420 763	297 670 (70.7%)

18. Number of documents (original language version) added to the public register in 2019

	Public upon circulation	LIMITE	LIMITE made public upon request	Partially available
Legislative	1 965	2 408	1 649	139
Non legislative	10 755	9 483	2 024	266

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

	2015	2016	2017	2018	2019
For the initial applications ⁶	16 (2 784 requests)	16 (2 342 requests)	16 (2 597 requests)	17 (2 474 requests)	17 (2 567 requests)
For the confirmatory applications ⁷	29 (24 conf. applications)	55 (24 conf. applications)	40 (31 conf. applications)	36 (29 conf. applications)	37 (40 conf. applications)
Pondered average (initial + confirmatory)	16,11	16,4	16,25	17,22	17,31

⁶ 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".

⁷ 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)

	2015	2016	2017	2018	2019
Initial applications	671 of 2 784 24,1%	573 of 2 342 24,5%	744 of 2 597 28,6%	892 of 2 474 36,1%	809 of 2 567 31,5%
Confirmatory applications	22 (of 24)	23 (of 24)	31 (of 31)	26 ⁸ (of 29)	40

⁸ 3 confirmatory applications were withdrawn.