



Council of the
European Union

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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Draft 22nd 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 – 2023

I. INTRODUCTION

This is the 22nd 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 2023 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 provide the basis for this report are available as [open data on the Council's website](#).

II. LEGISLATIVE TRANSPARENCY

2023 saw a very high level of legislative activity in relation to the already considerably busy previous year. This is associated with reaching the end of the legislative cycle, as can be seen in the number of negotiating mandates granted. While the number remained practically identical in 2023 (98), negotiations started for 98% of these mandates, whereas in 2022 the figure was only 58%.

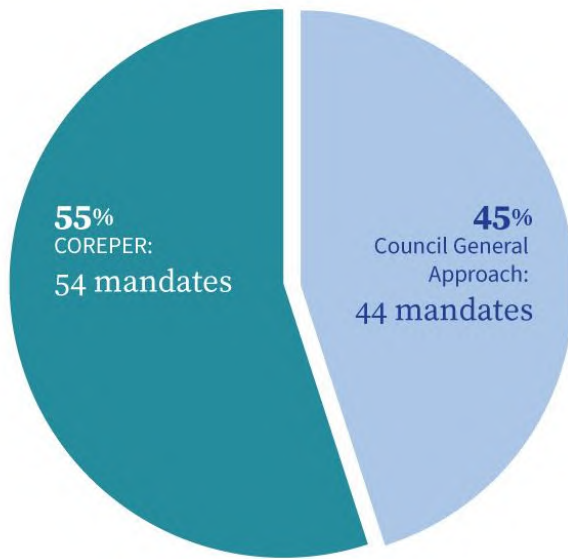
In accordance with the Coreper approach on strengthening legislative transparency³, all Council mandates were public. The final outcome of negotiations has been made public for all files, either after Coreper endorsement (74) or with the offer letter sent to the European Parliament Committee Chair (7), or both (52). In the remaining 17 files, negotiations either are ongoing or did not start, or the proposal was rejected by the European Parliament.

¹ [OJ L 145, 31.5.2001, p. 43.](#)

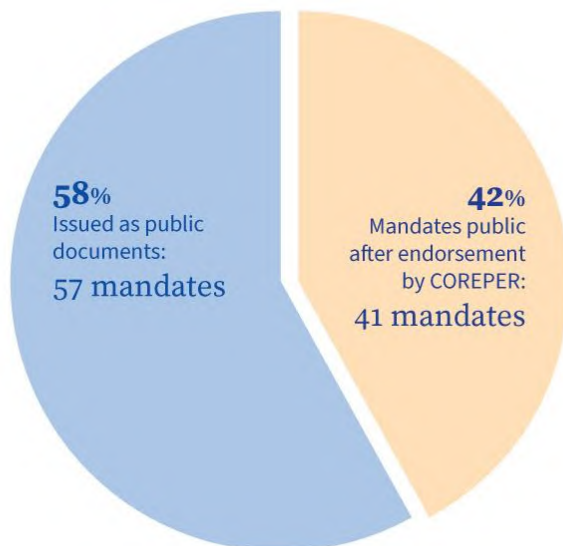
² That article provides that '*Each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.*'

³ [ST 9493/20.](#)

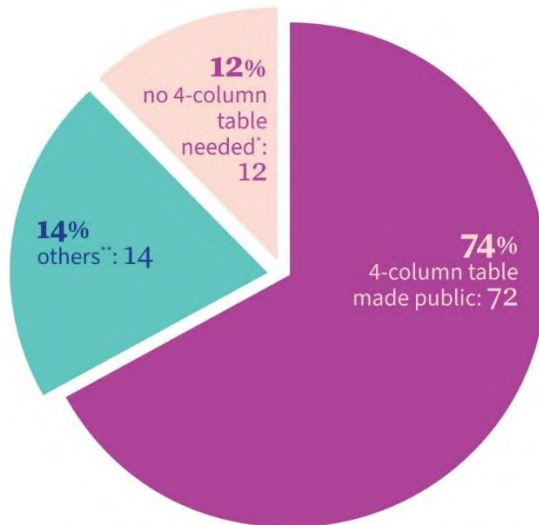
Initial Council negotiating mandates granted in 2023 for trilogues



Initial Council mandates granted in 2023 for trilogues and made public



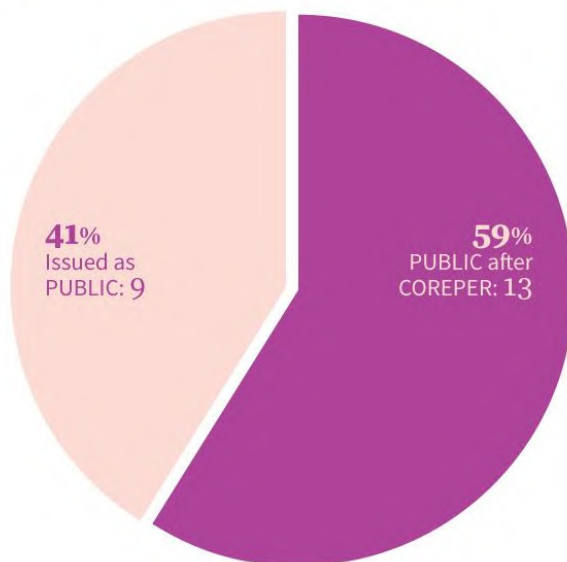
Initial 4-column tables prepared for negotiating with the Council mandates granted in 2023



* Negotiations on a legislative file do not necessarily require the production of a 4-column table. In particular, in 2023, agreement was reached without trilogues, or with urgency for 9 files. In addition, in one case, the European Parliament did not enter into negotiations but instead rejected the Commission's proposal (2022/0348 (COD)).

**In some cases, the initial 4-column table included negotiating elements in the fourth column and therefore could not have been made public at the time.

Progress reports in 2023



III. REQUESTS FOR ACCESS TO DOCUMENTS IN 2023

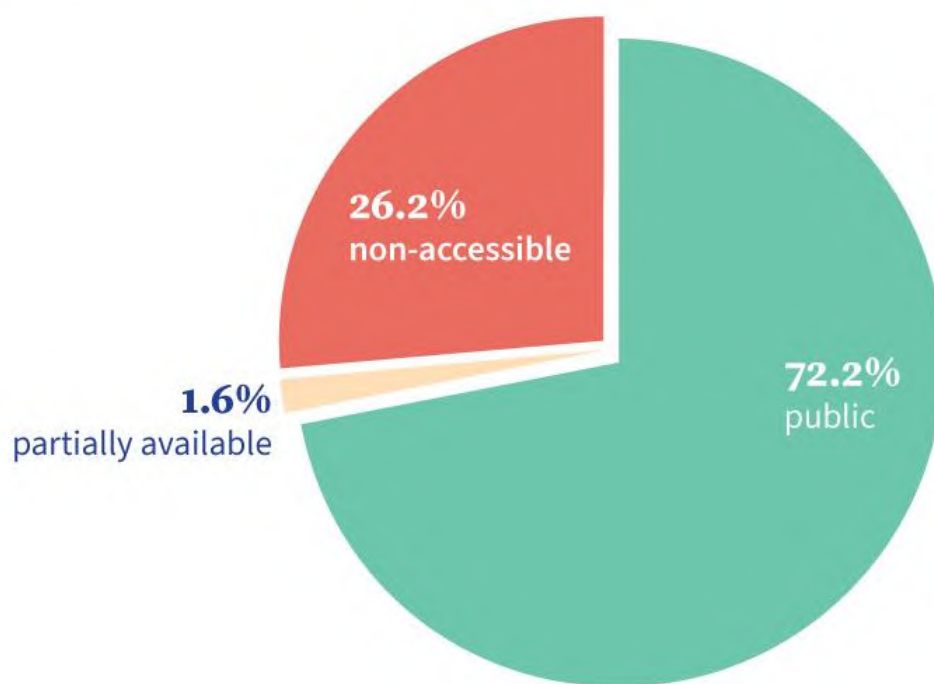
1. The public register

In 2023, the register attracted 2.7 % of the Council website's traffic. It was consulted more than 534 000 times. Of the total of over 329 000 visitors, 25 % had arrived at the register through web search engines, 69 % had come via a direct link, 5 % had been redirected from another website and 1% from emails. A total of 26 % of the visitors were based in Belgium, 14 % in France, 14 % in Ireland, 7.4 % in Germany, 3.7 % in Italy and 3.7 % in the Netherlands.

On 31 December 2023, the public register listed 505 587 original-language documents (3 823 804 documents, including all language versions). Of the total number of original-language documents listed in the register, 72.2 % (364 793 documents) were public and available to download.

Documents available in the public register

on 31 December 2023



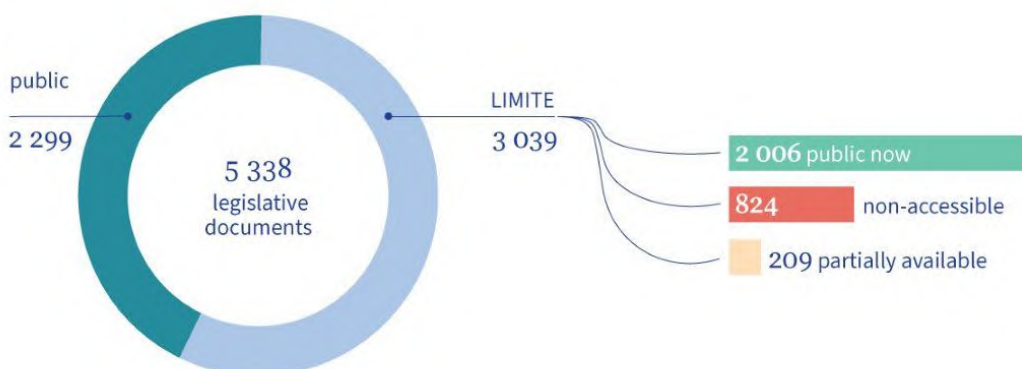
Over 2023, 26 165 original-language documents were added to the register, of which 69.6 %, or 18 200 documents, are public and available to download. In 2023, the Council issued 13 403 documents that were available to the public upon circulation and issued 12 440 LIMITE documents. It added to the register 1 107 documents that are partially available to the public.

In 2023, 322 classified documents⁴ were referenced in the register, and the Council issued 822 classified documents that are not listed in the register.

Legislative documents

During the period covered by this report, 5 338 legislative documents⁵ were added to the register, 2 299 of which were issued as ‘public’ upon circulation. Of the remaining 3 039 legislative documents issued as LIMITE (with a reference in the register but not directly accessible), 2 006 documents were made public on request. A total of 73.7 % of the legislative documents added to the register in 2023 are therefore fully available to the public.

Legislative documents issued in 2023
total of 5 338 documents



⁴ Cf. [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).

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

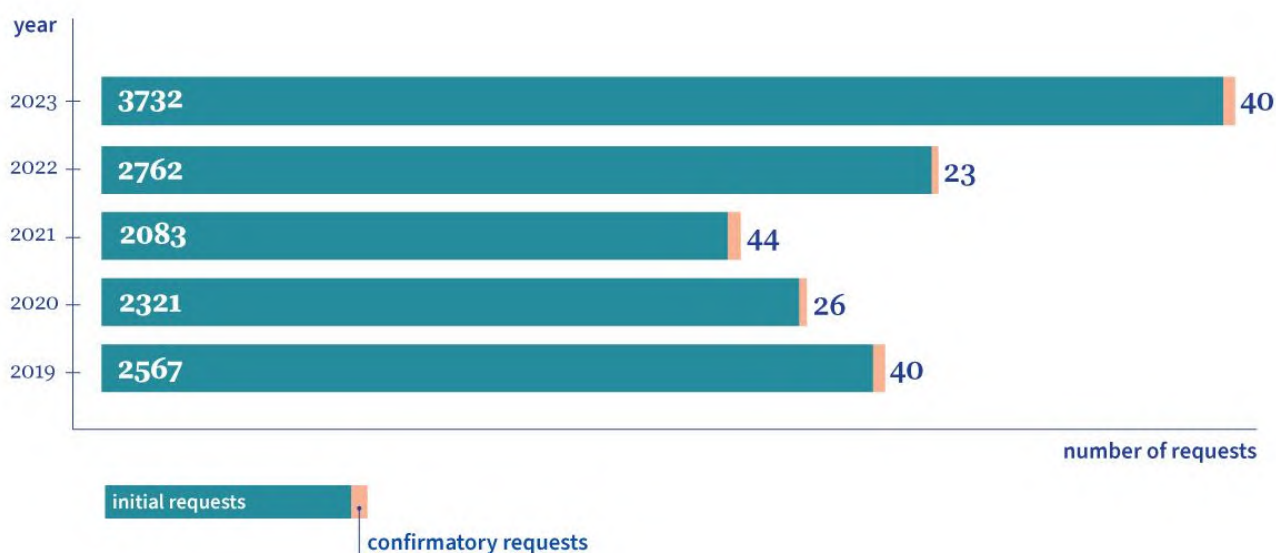
In 2023, the Council received 3 732 initial requests for access to documents and 40 confirmatory applications⁶, which required the analysis of 13 912 documents.

In 2023, the number of initial requests increased by almost 1 000, an increase of more than 35 % compared to 2022 (which is added to the increase of 32% which was already observed in 2022 compared to the previous year).

In 2023, the 3 732 initial requests were submitted by 1 282 applicants.

Number of requests

evolution from 2019 to 2023



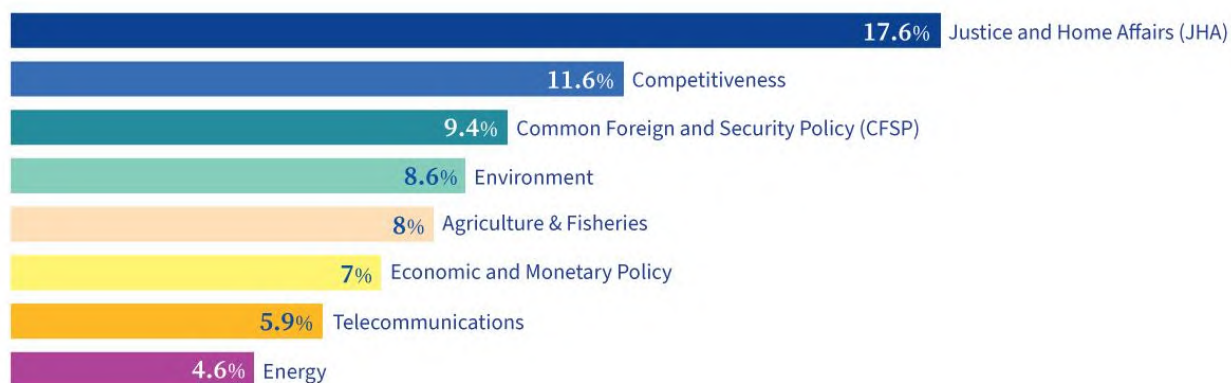
⁶ In the event of a total or partial refusal, the applicant may, within 15 days of receiving the institution's reply, make a confirmatory application asking the institution to reconsider its position.

In 2023, the GSC was consulted by the European Parliament and by the European Commission on 929 documents. As regards the individual applicants, the five applicants who requested the most documents requested access to 2 571 documents, which represent 18 % of the requested documents. These five applicants introduced 127 requests. It should be noted that a large majority of applicants only submitted requests for access to very few documents (between 1 and 10).

Number of requested documents evolution from 2019 to 2023

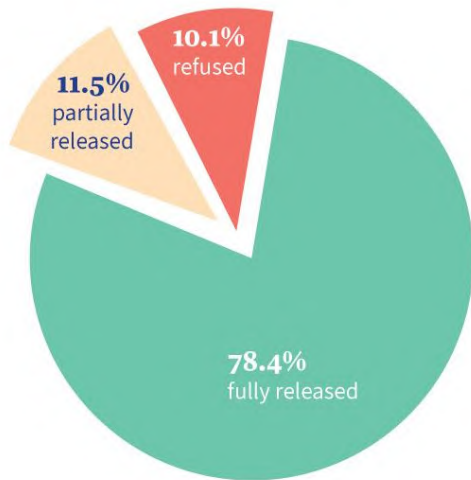


Main policy areas of requested documents in 2023



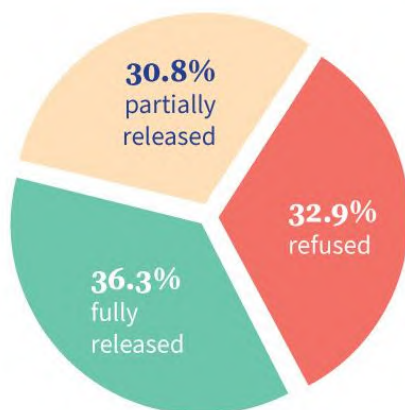
At the initial stage, full access was granted to 10 908 documents (78.4 %) and partial access to 1 600 documents (11.5 %). Access to 1 404 documents (10.1 %) was refused.

Type of access granted at the initial stage
in %



Following confirmatory applications, full access was granted to 53 documents (36.3 %) and partial access to 45 documents (30.8 %). The Council confirmed that access to 48 documents should be refused (32.9 %).

Type of access granted at the confirmatory stage
in %



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 (327 times, or 29.3 %), to protect the public interest as regards international relations (305 times, or 27.4 %) or for reasons of public security (50 times, or 4.5 %).

In 34.7 % of cases (387 times), documents were refused on the basis of on a combination of several exceptions. In those cases, access was denied mainly in order to protect the public interest as regards defence and military matters and international relations (61 times, or 15.7 %) as well as the protection of the public security and international relations (60 times, or 15.5 %).

A combination of the protection of the public interests as regards international relations and the Council's decision-making process was also applied in 53 cases (i.e. in 13.7 % of cases).

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 Council's decision-making process was applied 52 times, or in 13.4 % of the cases in which several exceptions were applied.

Main exceptions used to refuse access at the initial stage

in %



In one fourth of cases, partial access was granted based on a combination of several exceptions.

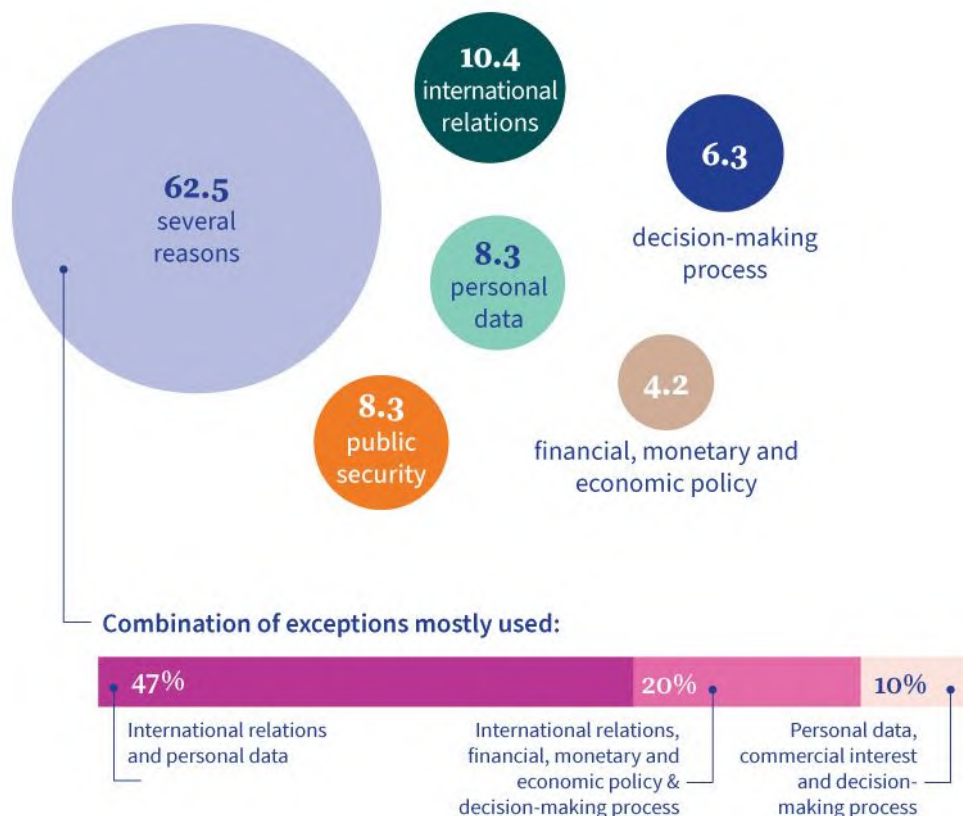
The most frequently used exception in justifying the granting of partial access only was the protection of personal data (45.4 %), followed by the protection of the public interest as regards international relations (13.4 %).

At the confirmatory stage, access to documents was totally refused in a large majority of cases (62.5%) due to a combination of exceptions. Access was also totally refused to protect international relations (10.4%) and public security (8.3%).

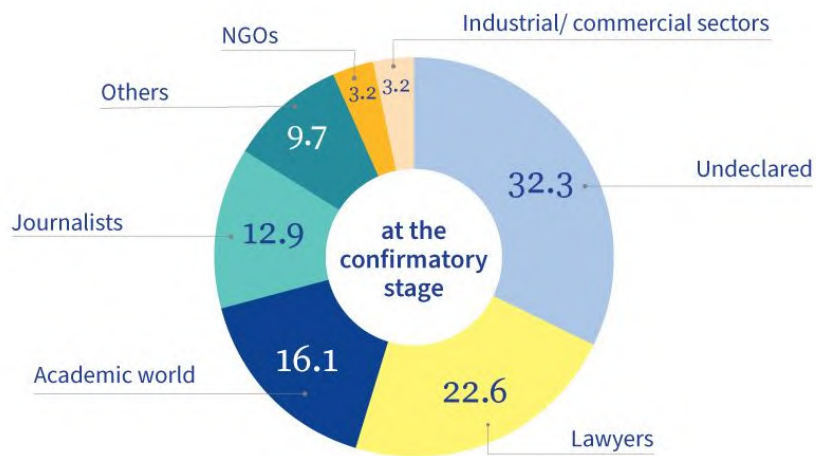
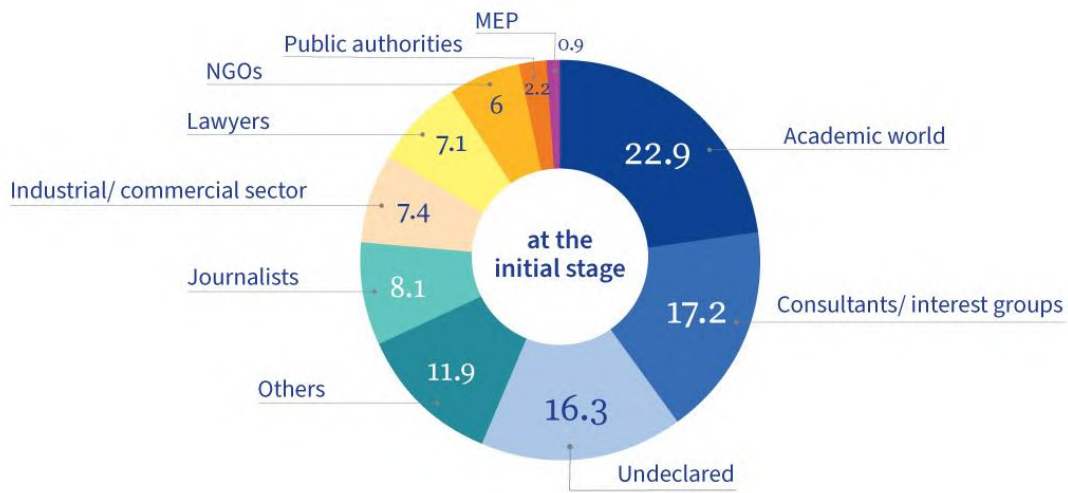
Access to documents was partially refused mainly to protect personal data (82.2 %).

Exceptions used to refuse access at the confirmatory stage

in %

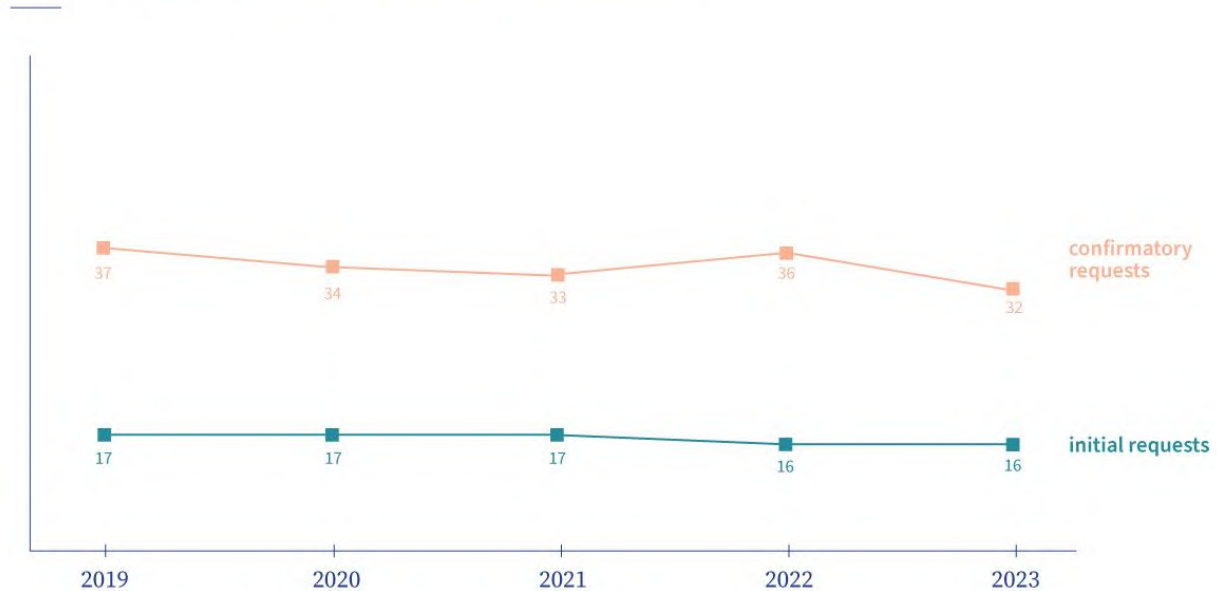


Self-declared professional profile of the applicants in 2023
at the initial and at the confirmatory stage (in %)



It took the GSC on average 16 working days to process initial requests and 32 working days to process confirmatory applications⁷.

Average working days for the GSC to process requests
evolution from 2019 to 2023



The deadline of 15 working days for processing initial requests was extended for 1 248 requests, i.e. in 33.4 % of cases. The deadline was extended for all confirmatory applications.

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

⁷ 39 confirmatory applications closed.

IV. COMPLAINTS LODGED WITH THE EUROPEAN OMBUDSMAN, OWN-INITIATIVE INQUIRIES 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 2023, the Council did not receive any inquiries from the Ombudsman about complaints on access to documents.⁸

Two complaints received in 2022 are still included in this report since there were some developments in those cases in 2023.

Complaint 788/2022/SF

This case relates to a complaint concerning the Council's decision of 20 December 2021 confirming its refusal to grant full access to 16 documents containing written exchanges between the Council Legal Service and the Council's preparatory groups, permanent representations and the European Commission, in the context of the examination of two proposals for regulations: the Digital Services Act (2020/0361 (COD)) and the Digital Markets Act (2020/0374 (COD)).

In April 2022, the Ombudsman opened an inquiry⁹ into the matter and carried out an inspection of the documents to which access had been refused. In July 2022, the Ombudsman asked to inspect additional documents relating to the complaint (attachments to some of the documents already provided to the Ombudsman), which had not been correctly identified by the Council. In the course of the inquiry, the Ombudsman inquiry team reviewed the documents in question and met with officials of the Council General Secretariat with a view to obtaining clarifications on the Council's reasons for refusing public access.

⁸ One complaint was addressed to the Ombudsman (1662/2023/SF) but was considered settled immediately. The applicant had complained about failure to reply to his confirmatory application within the legal deadline. The reply had been delayed because of the summer break. As soon as the reply was sent to the applicant, the Ombudsman's services considered the matter settled.

⁹ ST 8746/22 INIT and ST 8746/22 ADD 1.

In a letter of 2 February 2023, the Ombudsman sent the Council a proposal for a solution, as she was not convinced by the Council's explanations that disclosure would undermine the interests protected by the exceptions set out in Article 4 of Regulation (EC) No 1049/2001. In particular, the Ombudsman considered that the Council should review its position in order to grant the widest possible public access to the requested documents. She invited the Council to inform her of any action it had taken in relation to the above proposal for a solution.

In its reply to the Ombudsman dated 26 April 2023¹⁰, the Council considered that at that point in time the disclosure of the requested documents no longer undermined the protected interests and stated that it had decided to grant the complainant full access to the documents, with the exception of any personal data contained therein. On 2 May 2023, the General Secretariat sent the requested documents to the complainant.

On 26 June 2023, the Ombudsman closed the complaint, as the Council had accepted the Ombudsman's solution proposal and granted the widest possible public access to the requested documents.

Complaint 1834/2022/NH

This case concerns a complaint from a citizen addressed to the European Ombudsman following the Council's refusal to grant full public access to Council document ST 6817/21 INIT. This document contains an opinion of the Council Legal Service on the legal basis of the Commission proposal for a Directive of the European Parliament and of the Council on adequate minimum wages in the European Union.

¹⁰ ST 8238/23 INIT.

Further to a confirmatory request, the Council had granted partial access to several parts of the document. Access to the rest of the document was denied on the basis of the second indent of Article 4(2) (protection of legal advice) and Article 4(3), first subparagraph (protection of the decision-making process) of Regulation (EC) No 1049/2001.

On 25 October 2022, the Ombudsman opened an inquiry into the matter¹¹ and carried out an inspection of the documents.

On 4 April 2023, the Ombudsman recommended that the Council grant full public access to the opinion of its Legal Service, and requested that the Council provide her with a detailed opinion on the matter by 3 July 2023.

On 9 July 2023, the Council replied to the Ombudsman, indicating that it had decided to grant full access to the requested document to the complainant¹². In its decision of 25 September 2023, the Ombudsman confirmed her finding of maladministration, given that the Council had maintained its position that disclosure of the document at the time of the adoption of the confirmatory decision, when the legislative procedure was still ongoing, was not possible. In addition, the Ombudsman called on the Council to grant the widest possible access to legislative documents at a time that would allow the public to participate effectively in legislative procedures¹³.

2. European Ombudsman's own-initiative inquiry

On 2 October 2023, the European Ombudsman addressed a letter to the Council on an own-initiative inquiry (OI/4/2023/MIK) on the handling of requests for public access to legislative documents¹⁴. This own-initiative inquiry was also addressed to the European Parliament and to the Commission.

¹¹ ST 14142/1/22 REV 1, ST 14142/22 ADD 1 REV 1 and ST 14142/22 ADD 2 REV 1.

¹² ST 10830/23.

¹³ [ST 13699/23](#).

¹⁴ [ST 13836/23](#).

The Ombudsman asked the Council to provide her with statistical information concerning the processing of access to documents requests on three legislative files.

The GSC gathered the requested data on the basis of the information available in the database for access to documents and prepared a draft reply. The reply was sent to the Ombudsman on 6 December 2023.¹⁵

On 20 March 2024, the Ombudsman addressed a letter to the Secretary General of the Council requesting to inspect a sample of decisions issued by the GSC. This sample consists of all the initial decisions in which either a partial access to documents was granted, or access was refused as well as 15 decisions in which full access was granted to all the requested documents. She asked to receive a copy of these documents.

3. Court cases

In 2023, there were five court cases pending before the Union courts: one appeal before the Court of Justice and four cases before the General Court challenging the legality of Council decisions refusing to grant public access pursuant to Regulation (EC) No 1049/2001.

In Case C-408/21 P, *Council v L. Pech*, the Council appealed against the judgment of the General Court of 21 April 2021 in Case T-252/19 annulling the decision of the Council refusing access to an opinion of the Council Legal Service ('CLS') (ST 13593/18 INIT). On 8 June 2023, the Court of Justice rejected the Council's appeal against the judgment of the General Court. The Court found that the Council had failed to show that the disclosure of the CLS opinion would affect the ongoing decision-making or the interest of the Council in receiving legal advice. The Court confirmed that in the legislative domain there was in principle an obligation to disclose opinions of the CLS unless, for instance, they were particularly sensitive in nature or particularly wide in scope. The Court also found that the overall context of the legislative discussion was irrelevant to establishing whether an opinion was particularly sensitive in nature, as only the content of the opinion should be taken into account. The Court also confirmed that the General Court was right to require to the Council to submit 'tangible elements' showing the existence of a reasonably foreseeable risk for the decision-making process.

¹⁵ [ST 15494/23](#).

In Case T-163/21, *De Capitani v Council*, the applicant sought the annulment of the Council’s decision to refuse access to certain documents coded ‘WK’ (for ‘Working document’) relating to the legislative procedure concerning the amendment of Directive 2013/34/EU on the annual financial statements regarding country-by-country reporting. On 25 January 2023, the General Court annulled this decision. Firstly, the Court rejected the applicant’s argument that the exception relating to the protection of the decision-making process, provided for in Regulation (EC) No 1049/2001, interpreted in the light of the TFEU and the Charter, did not apply to legislative documents. The Court ruled that, although access to legislative documents should therefore be as wide as possible, that did not mean that EU primary law provided for an unconditional right of access to legislative documents. Secondly, the Court found that none of the grounds relied on by the Council in the contested decision supported the conclusion that disclosure of the documents at issue would specifically, effectively and in non-hypothetical manner seriously undermine the legislative process concerned.

In Cases T-682/21 *ClientEarth v Council* and T-683/21 *Leino-Sandberg v Council*, the applicants were sought annulment of the Council’s decision refusing access to an opinion of the CLS issued in the context of a legislative procedure concerning an amendment to the Aarhus Regulation (ST 8721/21). On 13 March 2024, the General Court annulled the Council’s decision. With regard to the exception relating to the protection of legal advice provided for in Regulation (EC) No 1049/2001, the Court held that a CLS opinion cannot be deemed to be of a sensitive character, if it “includes merely an assessment of elements of interpretation of EU law” and possesses “no originality” in its legal assessment on the matter. Furthermore, an assessment of a legislative proposal by an institution’s legal service is by its very nature capable of affecting one or more legislative processes. For this reason, access to such documents cannot be refused solely because of its implications for other legislative processes but requires additional factors to be seen as “particularly wide in scope”. Concerning the exception protecting an ongoing decision-making process, the Court found that the decision-making process is considered closed as of the date on which the Council/COREPER approves the provisional agreement reached during trilogues, even if the final adoption has not (yet) taken place.

Lastly, on the exception relating to the protection of international relations, the Court found that more than a “mere link” is required between the elements contained in a document and the objectives pursued by the EU in the negotiation and implementation of an international agreement. The Council must provide explanations as to the specific, actual, reasonably foreseeable and non-hypothetical risks regarding the international relations in order to rely on the exception.

In Case T-590/23, *De Capitani v Council*, the applicant sought the annulment of the Council’s decision to refuse access to certain documents pursuant to Regulation (EC) No 1049/2001 and of ‘the implicit or continued explicit decision not to directly publish legislative documents to which access has been granted following a request for access under aforementioned Regulation 1049/2001 in the Council’s own register’. The case is still pending before the Court.

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

The GSC made public 254 preparatory documents relating to 17 legislative acts that were adopted in 2023.

VI. VOTING RESULTS

In 2023, the GSC prepared voting results for all the legislative acts that had been adopted by the Council over the year (i.e. 85); those voting results are directly available on the [Council’s website](#).

VII. REQUESTS FOR INFORMATION

The General Secretariat of the Council receives requests for information in the 24 EU official languages, not only from citizens based in the EU but also from other parts of the world. These requests are submitted via different channels: web form (available on the Council website), emails and letters. The Public Info Service is in charge of replying to those requests for information.

In 2023 the GSC responded to 6 480 requests for information. These replies were sent as follows:

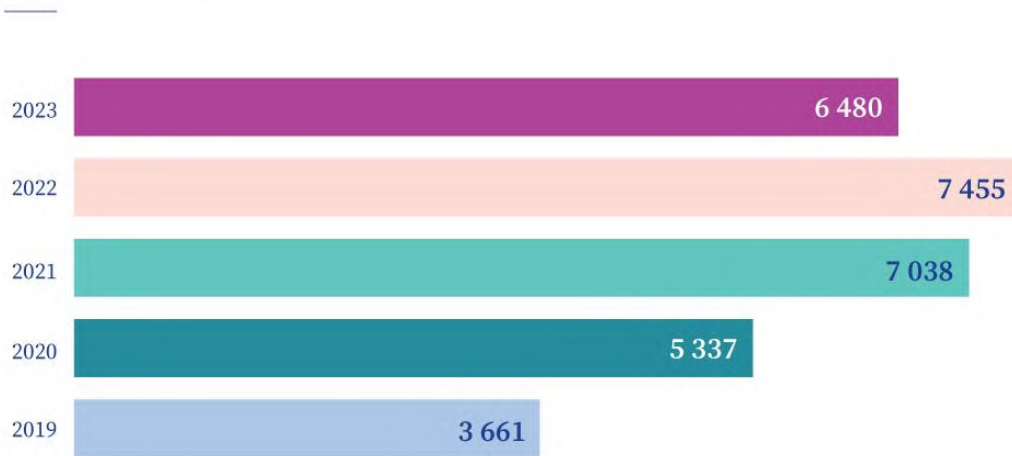
- 6 029 emails (this includes requests received via the web form and by email);
- 451 letters.

950 of the requests replied to were addressed to the President of the European Council (PEC).

The figures above represent a decrease in the overall number of requests for information over the past few years.

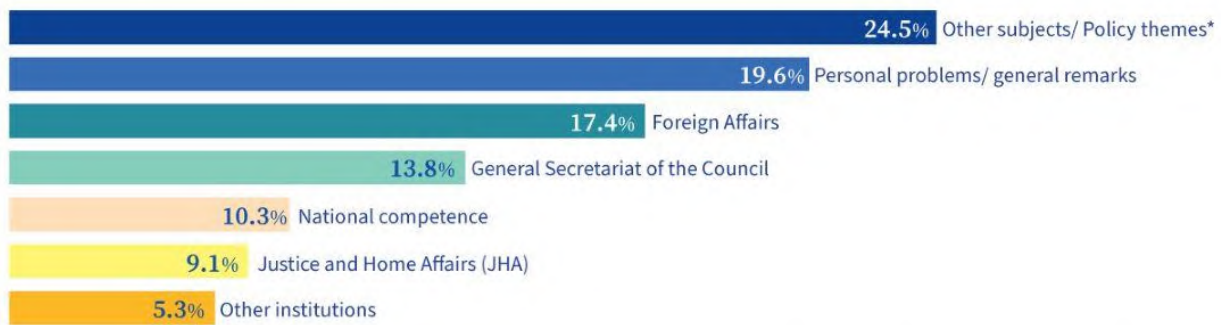
Number of requests for information

evolution from 2019 to 2023



The requests received by the GSC related to different EU policy themes and a variety of other subjects as well. In 2023, the main areas concerned by these requests were the following:

Main policy areas of requests for information in 2023



*e.g. Transport, Telecommunications and Energy; Economic and Financial Affairs; etc.

Foreign affairs issues remained at the top of citizens' concerns throughout 2023. The most frequent topics included the war in Ukraine, from its different angles, and requests for guidance on sanctions imposed on Russia. Other issues, such as the situation in the Middle East or in Nagorno-Karabakh, also featured high on the list.

Individuals and companies also contacted the GSC to find out more about the state of play of several policy files, such as the artificial intelligence act, the data act and the carbon border adjustment mechanism. In addition, the GSC received enquiries of a more practical nature, for instance on how to obtain personal documents or how to find a contact point at national level to solve the problems the enquirers are faced with.

Under the 'General Secretariat of the Council' topic, the GSC received requests regarding the following:

- autographed photos of the PEC;
- requests for financial support from 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 clear contact address. In 2023, the total number of cases with no follow-up was 321.

VIII. OCCASIONAL ATTENDANCE BY 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 should include relevant information about the attendance of interest representatives at meetings of the Council or its preparatory bodies.

In 2023, 210 interest representatives were authorised to attend meetings of the preparatory bodies of the Council. The interest representatives belonged to the following categories:

Non-governmental organisations	116
Think Tanks	36
Trade and Business associations	18
Individual experts and academics	16
Associations and networks of public or mixed entities	11
Consultancy and companies	6
Charities	5
Trade Unions and professional associations	2

The entities authorised to attend the meetings of the preparatory bodies of the Council are identified in the agendas of the relevant preparatory bodies, which can be consulted in the register of Council documents.

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

2019	2020	2021	2022	2023
2 567	2 321	2 083	2 762	3 732

2. Number of documents requested by initial requests

2019	2020	2021	2022	2023
8 222	13 382	10189	10 902	13 912

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

2019		2020		2021		2022		2023	
6 615		11 796		9 011		9 019		12 508	
partial 470	full 6145	partial 542	full 11 254	partial 519	full 8 492	partial 955	full 8 064	partial 1 600	full 10 908

4. Number of confirmatory applications

2019	2020	2021	2022	2023
40	26	44	23	40

5. Number of documents considered by confirmatory applications

2019	2020	2021	2022	2023
166	118	210	163	146

6. Documents released by the Council at confirmatory stage

2019		2020		2021		2022		2023	
111		66		113		82		98	
partial 50	full 61	partial 31	full 35	partial 54	full 59	partial 36	full 46	partial 45	full 53

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

2019		2020		2021		2022		2023	
79,7%	86,4%	84,4%	88,6%	83,9%	89,5%	79%	88,7%	80%	92%

8. Professional profile of the applicants (initial requests)

		2019		2020		2021		2022		2023	
Civil society/ Private sector	Consultants	8,2%	23,5%	7,3%	20,5%	6,9%	20,9%	10,7%	28,2%	11,9%	30,6%
	Environmental lobbies	0,4%		0,2%		0,2%		0,1%		0,3%	
	Other groups of interest	3,4%		3%		3,3%		4,6%		5%	
	Industrial/ Commercial sector	5%		4,7%		5,2%		4,9%		7,4%	
	NGOs	6,5%		5,3%		5,3%		7,9%		6%	
Journalists		6,4%		6,6%		5%		6,8%		8,1%	
Lawyers		6,9%		5,1%		4,7%		4,3%		7,1%	
Academic world		28,8%		34,8%		39%		33,3%		22,9%	
Public authorities (non-EU institutions, third-country representatives, etc.)		3,4%		4,4%		2%		3,2%		2,2%	
Members of the European Parliament and assistants		1,5%		0,5%		1,3%		0,4%		0,9%	
Others		13,9%		13,3%		15%		14,1%		11,9%	
Undeclared		12,1%		11,8%		12,5%		17%		16,3%	

9. Professional profile of the applicants (confirmatory applications)

		2019		2020		2021		2022		2023	
Civil society/ Private sector	Consultants	6,5%	25,8%	4%	8%	0%	6,2%	0%	13,7%	0%	6,4%
	Environmental lobbies	3,2%		0%		0%		4,6%		0%	
	Other groups of interest	6,4%		4%		0%		0%		0%	
	Industrial/Commercial sector	0%		0%		3,1%		0%		3,2%	
	NGOs	9,7%		0%		3,1%		9,1%		3,2%	
Journalists		12,9%		8%		18,7%		4,6%		12,9%	
Lawyers		0%		16%		9,4%		4,5%		22,6%	
Academic world		38,7%		32%		25%		36,4%		16,1%	
Public authorities (non-EU institutions, third-country representatives, etc.)		0%		4%		0%		4,5%		0%	
Members of the European Parliament and assistants		0%		8%		0%		0%		0%	
Others		3,2%		12%		9,4%		4,5%		9,7%	
Undeclared		19,4%		12%		31,3%		31,8%		32,3%	

10. Geographic distribution of the applicants (initial requests)

Country	2019	2020	2021	2022	2023
Belgium	27,9%	24,7%	28,1%	30,5%	28,9%
Bulgaria	0,1%	0,5%	0,1%	0,1%	0,3%
Croatia	0,2%	0,2%	0,2%	0,4%	0,4%
Czech Republic	0,9%	0,5%	0,7%	0,5%	0,7%
Denmark	1%	0,9%	1,5%	1%	0,8%
Germany	13,6%	11,5%	12,4%	11,8%	11,6%
Estonia	0,1%	0,1%	0,2%	0,1%	0,1%
Greece	0,6%	1,2%	0,9%	0,2%	0,5%
Spain	4,8%	4,2%	4,9%	4%	3,7%
France	7,5%	6,5%	7%	7%	6,1%
Ireland	0,7%	10,4%	1%	0,8%	1,1%
Italy	4,3%	5,9%	5,6%	3,1%	4,9%
Cyprus	0,1%	0,2%	0,3%	0,2%	0,1%
Latvia	0%	0,1%	0,1%	0%	0%
Lithuania	0%	0%	0%	0,1%	0,2%
Luxembourg	2%	0,8%	0,8%	1,2%	0,8%
Hungary	0,5%	0,4%	0,1%	0,3%	0,5%
Malta	0%	0%	0,3%	0,2%	0,1%
Netherlands	5,4%	3,5%	5,6%	5,4%	5%
Austria	1,9%	1,2%	1,3%	1,8%	1,5%
Poland	0,8%	1,2%	1,8%	1,9%	1,4%
Portugal	0,9%	0,8%	0,8%	0,9%	0,5%
Romania	1%	0,5%	0,5%	0,4%	0,5%
Slovenia	0,2%	0,2%	0,2%	0,1%	0,1%
Slovakia	0,2%	0,5%	0,6%	0,2%	0,2%
Finland	0,9%	1,3%	1,2%	1,2%	1,1%
Sweden	0,5%	1%	1%	0,9%	1,7%
United Kingdom	6,4%	4,6%	4,4%	3,4%	2,4%
Third countries	6,5%	4,9%	5,5%	3,1%	3,1%
Undeclared	11%	12,2%	12,9%	19,2%	21,7%

11. Geographic distribution of the applicants (confirmatory applications)

Country	2019	2020	2021	2022	2023
Belgium	16,1%	36%	31,3%	18,2%	15,6%
Bulgaria	0%	4%	0%	0%	3,1%
Croatia	0%	0%	0%	0%	0%
Czech Republic	0%	0%	3,1%	4,5%	0%
Denmark	0%	0%	0%	0%	0%
Germany	22,6%	4%	3,2%	18,2%	15,6%
Estonia	0%	0%	0%	0%	0%
Greece	0%	0%	3,1%	0%	0%
Spain	6,4%	0%	3,1%	0%	0%
France	6,4%	0%	3,1%	9,1%	6,3%
Ireland	0%	4%	0%	4,6%	3,1%
Italy	6,5%	8%	3,1%	0%	0%
Cyprus	0%	0%	0%	0%	0%
Latvia	0%	0%	0%	0%	0%
Lithuania	0%	0%	0%	0%	0%
Luxembourg	3,2%	0%	0%	0%	0%
Hungary	0%	0%	0%	0%	6,3%
Malta	0%	0%	0%	4,5%	0%
Netherlands	6,5%	16%	12,5%	4,6%	9,4%
Austria	3,2%	0%	3,1%	0%	3,1%
Poland	0%	0%	0%	0%	0%
Portugal	0%	4%	3,1%	0%	0%
Romania	0%	0%	0%	0%	0%
Slovenia	0%	0%	0%	0%	0%
Slovakia	0%	0%	0%	0%	0%
Finland	3,2%	4%	9,4%	4,6%	3,1%
Sweden	0%	0%	0%	0%	0%
United Kingdom	9,7%	8%	3,1%	4,5%	6,3%
Third countries	6,5%	8%	0%	4,5%	0%
Undeclared	9,7%	4%	18,8%	22,7%	28,1%

12. Policy area of requested documents

Policy	2019	2020	2021	2022	2023
Agriculture, Fisheries	4,6%	4,3%	7,8%	4,7%	8%
Internal Market	2,2%	0,6%	1,6%	1%	0,2%
Research	1,3%	1,9%	2%	0,5%	0,4%
Culture	0,3%	0,3%	0,5%	0,1%	0,1%
Education/Youth	1,3%	1,7%	1,2%	0,5%	1,2%
Competitiveness	1,8%	1,4%	3%	9,9%	11,6%
Energy	1,7%	1,6%	1,6%	4,4%	4,6%
Transport	5,4%	4,8%	2,8%	3,1%	3,8%
Environment	5,2%	6,2%	4,9%	5,9%	8,6%
Health and Consumer Protection	1,6%	2,1%	2,4%	3,6%	4,2%
Economic and Monetary Policy	10,1%	16,7%	14,8%	10,3%	7%
Tax Questions – Fiscal Issues	5,6%	4,4%	3,8%	2,5%	1,9%
External Relations – CFSP	15,2%	13,1%	12,1%	13,7%	9,4%
Civilian Protection	0,2%	0,1%	0,1%	0,1%	0%
Enlargement	1,1%	0,6%	0,5%	0,4%	0,4%
Defence and Military matters	1,7%	1,2%	1,1%	0,6%	0,3%
Assistance for Development	0,1%	0%	0%	0%	0%
Social Policy	3,5%	2%	2,6%	3,3%	3,3%
Justice and Home Affairs	17,9%	20,4%	17,8%	18,5%	17,6%
Legal questions	3,7%	2,7%	4,3%	3%	2,5%
Functioning of the institutions	3%	1,4%	2,5%	1,3%	1,2%
Financing of the Union (Budget, Statute)	0,3%	0,3%	0,3%	0,1%	0,3%
Transparency	0,7%	0,7%	0,7%	0,6%	0,3%
General policy questions	4,6%	6,7%	4,3%	3,1%	4,1%
Parliamentary Questions	0,8%	0,2%	0,1%	0%	0,2%
Telecommunications			3%	6,9 %	5,9%
Various	2,6%	2,6%	2%	1,2%	2,2%
BREXIT	3,5%	2%	1,9%	0,7%	0,7%

13. Exceptions used to refuse access (initial stage)

Exceptions foreseen in regulation 1049/2001	2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	51	4,5%	72	4,8%	87	8,2%	78	6,5%	50	4,5%
Protection of public interest as regards defence and military matters	16	1,4%	11	0,7%	4	0,4%	10	0,8%	7	0,6%
Protection of public interest as regards international relations	300	26,6%	233	15,5%	181	17%	208	17,4%	305	27,4%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	15	1,3%	6	0,4%	0	0%	1	0,1%	4	0,4%
Protection of privacy and the integrity of the individual (protection of personal data)	3	0,3%	5	0,3%	10	0,9%	19	1,6%	7	0,6%
Protection of commercial interests of a natural or legal person, including intellectual property	5	0,4%	0	0%	27	2,5%	2	0,2%	1	0,1%
Protection of court proceedings and legal advice	10	0,9%	9	0,6%	9	0,8%	9	0,7%	23	2,1%
Protection of the purpose of inspections, investigations and audits	3	0,3%	0	0%	0	0%	0	0%	3	0,3%
Protection of the Institution's decision-making process	215	19,1%	343	22,8%	223	20,9%	307	25,6%	327	29,3%
Several reasons together	509	45,2%	827	54,9%	525	49,3%	563	47%	387	34,7%

14. Exceptions used to refuse access (confirmatory applications)

Exceptions foreseen in regulation 1049/2001	2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	0	0%	0	0%	0	0%	0	0%	4	8,3%
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	19	34,5%	3	5,8%	33	34%	55	67,9%	5	10,4%
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%	1	1,2%	2	4,2%
Protection of privacy and the integrity of the individual (protection of personal data)	0	0%	0	0%	0	0%	2	2,5%	4	8,3%
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	2	3,6%	0	0%	0	0%	0	0%	0	0%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of Institution's decision-making process	3	5,5%	12	23,1%	13	13,4%	2	2,5%	3	6,3%
Several reasons together or other reasons	31	56,4%	37	71,1%	51	52,6%	21	25,9%	30	62,5%

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

Exceptions foreseen in regulation 1049/2001	2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	24	5,1%	28	5,2%	24	4,6%	70	7,3%	67	4,2%
Protection of public interest as regards defence and military matters	3	0,7%	2	0,4%	5	1%	6	0,6%	3	0,2%
Protection of public interest as regards international relations	109	23,2%	156	28,8%	65	12,5%	95	9,9%	214	13,4%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	7	1,5%	3	0,5%	1	0,2%	1	0,1%	42	2,6%
Protection of privacy and the integrity of the individual (protection of personal data)	65	13,8%	141	26%	168	32,4%	400	41,9%	727	45,4%
Protection of commercial interests of a natural or legal person, including intellectual property	8	1,7%	1	0,2%	3	0,6%	4	0,4%	0	0%
Protection of court proceedings and legal advice	24	5,1%	19	3,5%	38	7,3%	16	1,7%	28	1,7%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of the Institution's decision-making process	97	20,6%	55	10,1%	71	13,7%	161	16,9%	118	7,4%
Several reasons together or other reasons	133	28,3%	137	25,3%	144	27,7%	202	21,2%	400	25%

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

Exceptions foreseen in regulation 1049/2001	2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	1	2%	0	0%	1	1,8%	0	0%	1	2,3%
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	8	16%	0	0%	4	7,4%	24	66,7%	1	2,2%
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%	1	2,2%
Protection of privacy and the integrity of the individual (protection of personal data)	0	0%	6	19,4%	5	9,3%	1	2,8%	37	82,2%
Protection of commercial interests of a natural or legal person, including intellectual property	2	4%	0	0%	0	0%	0	0%	0	0%
Protection of court proceedings and legal advice	0	0%	0	0%	4	7,4%	2	5,5%	1	2,2%
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	10%	0	0%	7	13%	0	0%	0	0%
Several reasons together or other reasons	34	68%	25	80,6%	33	61,1%	9	25%	4	8,9%

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)

2019		2020		2021		2022		2023	
420 763	297 670 (70%)	440 148	313 253 (71.1%)	460 907	330 434 (71.7%)	482 786	346 951 (71.9%)	505 587	364 793 (72.1%)

18. Number of documents (original language version) added to the public register in 2023

	Public upon circulation	LIMITE	LIMITE made public upon request	Partially available
Legislative	2 299	3 039	2 006	209
Non legislative	11 104	9 401	2 791	898

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

	2019	2020	2021	2022	2023
For the initial applications ¹⁶	17 (2 567 requests)	17 (2 321 requests)	17 (2 083 requests)	16 (2762 requests)	16 (3732 requests)
For the confirmatory applications ¹⁷	37 (40 conf. applications)	34 (26 conf. applications)	33 (44 conf. applications)	36 (23 conf. applications.)	32 (39 closed appl.)
Pondered average (initial + confirmatory)	17,31	17,19	17,34	16,17	16,17

¹⁶ 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".

¹⁷ 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)

	2019	2020	2021	2022	2023
Initial applications	809 of 2 567 31,5%	776 of 2 321 33,4%	623 of 2083 29,9%	824 of 2762 29,8%	1248 of 3732 33,4%
Confirmatory applications	40 [of 40]	26 [of 26]	43 [of 44]	23 [of 23]	40 [of 40]
