



Council of the
European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Draft 21st 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 – 2022

I. INTRODUCTION

This is the 21st 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 2022 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. TRANSPARENCY OF THE COUNCIL DECISION-MAKING PROCESS DURING THE COVID-19 CRISIS

In the first part of 2022, the Council's activities were still 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.

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*'.

[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. In July 2022, building on the experience gained in successfully ensuring the continuity of Council decision-making during the COVID-19 pandemic in an efficient manner, and considering the high probability of situations requiring urgent action occurring in the future, the Council decided to modify the Council's Rules of Procedure and to provide that decisions to use the ordinary written procedure, where those decisions are taken by Coreper, should be taken in accordance with the voting rule applicable for the adoption of the Council act concerned.³

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 where necessary.

III. LEGISLATIVE TRANSPARENCY

2022 saw considerable legislative activity, with the number of Council negotiating mandates doubling in relation to the previous year, in particular as regards those adopted at Council level in the form of a general approach, the number of which tripled.

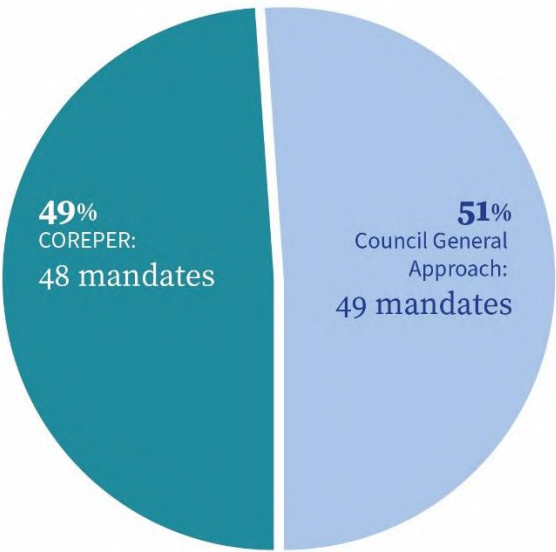
According to the Coreper approach on strengthening legislative transparency⁴, all Council mandates were public. The final outcome of negotiations after Coreper endorsement has been made public in the 44⁵ files concerned.

³ [Council Decision \(EU\) 2022/1242](#) of 18 July 2022.

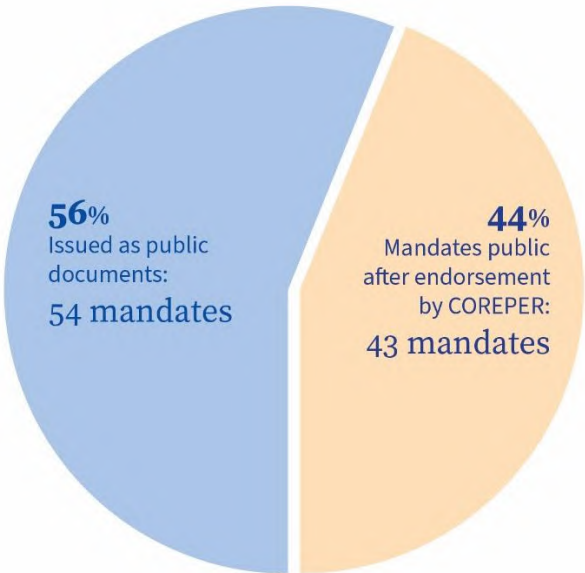
⁴ [ST 9493/20](#).

⁵ Some negotiations initiated in 2022 have yet to be concluded.

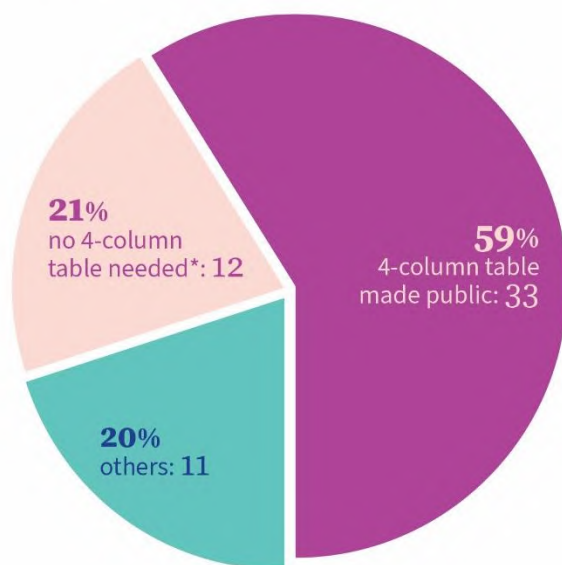
Initial Council mandates granted in 2022 for trilogues



Initial Council mandates granted in 2022 for trilogues and made public

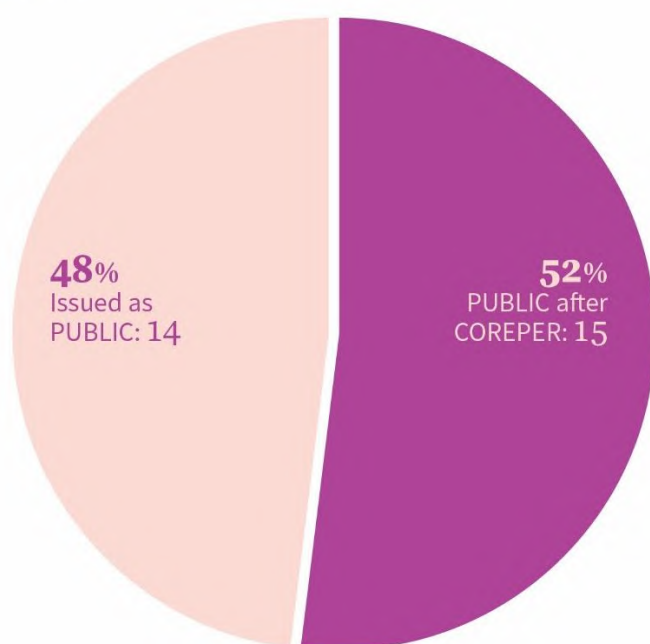


Initial 4-column tables prepared for negotiating with the Council mandates granted in 2022



** Negotiations on a legislative file do not necessarily require the production of a 4-column table. In particular, in 2022, agreement was reached without trilogues, or with urgency for 12 files. In addition, in 2022, in 41 files, the mandate was adopted, but negotiations didn't start before 2023.*

Progress reports in 2022



IV. REQUESTS FOR ACCESS TO DOCUMENTS IN 2022

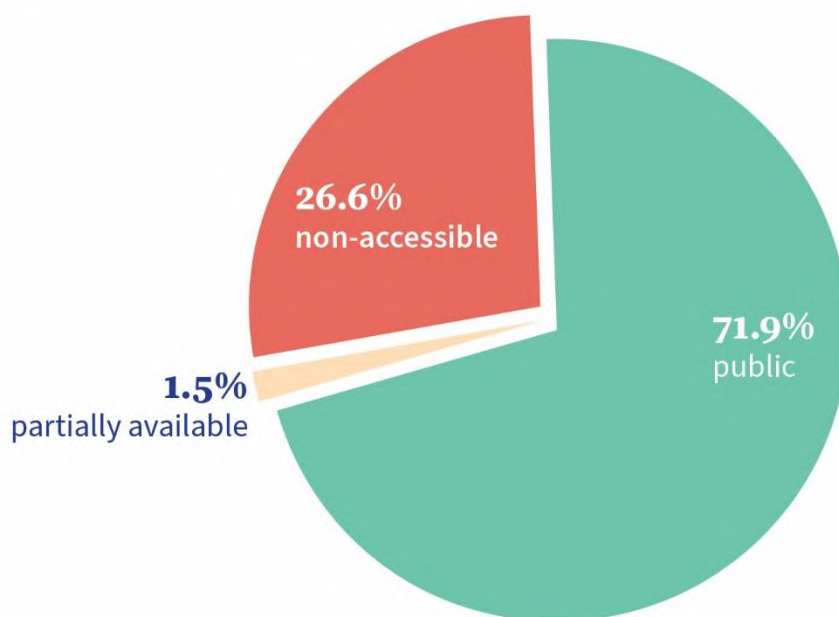
1. The public register

In 2022, the register attracted 2.1 % of the Council website's traffic. It was consulted more than 385 000 times. Of the total of over 228 000 visitors, 32 % had arrived at the register through web search engines, 57 % had come via a direct link and 9 % had been redirected from another website. A total of 37 % of the visitors were based in Belgium, 7 % in Germany, 5.4 % in France, 5.2 % in the United Kingdom and 4.9 % in Italy.

On 31 December 2022, the public register listed 482 786 original language documents (3 638 554 documents, including all language versions). Of the total number of original language documents listed in the register, 71.9 % (346 951 documents) were public and available to download.

Documents available in the public register

on 31 December 2022



Throughout 2022, 24 760 original language documents were added to the register, of which 69.6%, or 17 233 documents, are public and available to download. In 2022, the Council issued 13 308 documents that were available to the public upon circulation and issued 11 173 LIMITE documents. It added to the register 519 documents that are partially available to the public.

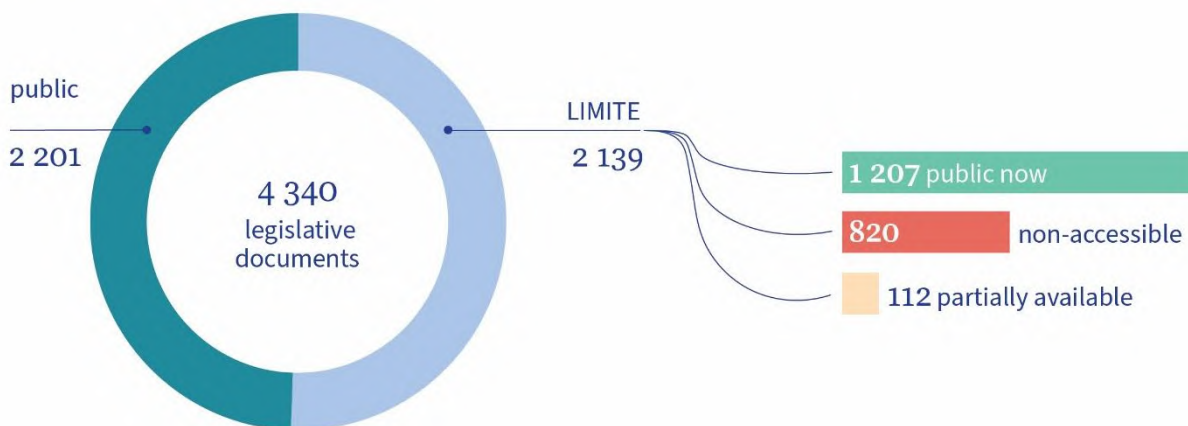
In 2022, 279 classified documents⁶ were referenced in the register, and the Council issued 1 783 classified documents that are not listed in the register.

Legislative documents

During the period covered by this report, 4 340 legislative documents⁷ were added to the register, 2 201 of which were issued as ‘public’ upon circulation. Of the remaining 2 139 legislative documents issued as LIMITE (with a reference in the register but not directly accessible), 1 207 documents were made public on request. A total of 78.5 % of the legislative documents added to the register in 2022 are therefore fully available to the public.

Legislative documents issued in 2022

total of 4 340 documents



⁶ 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).

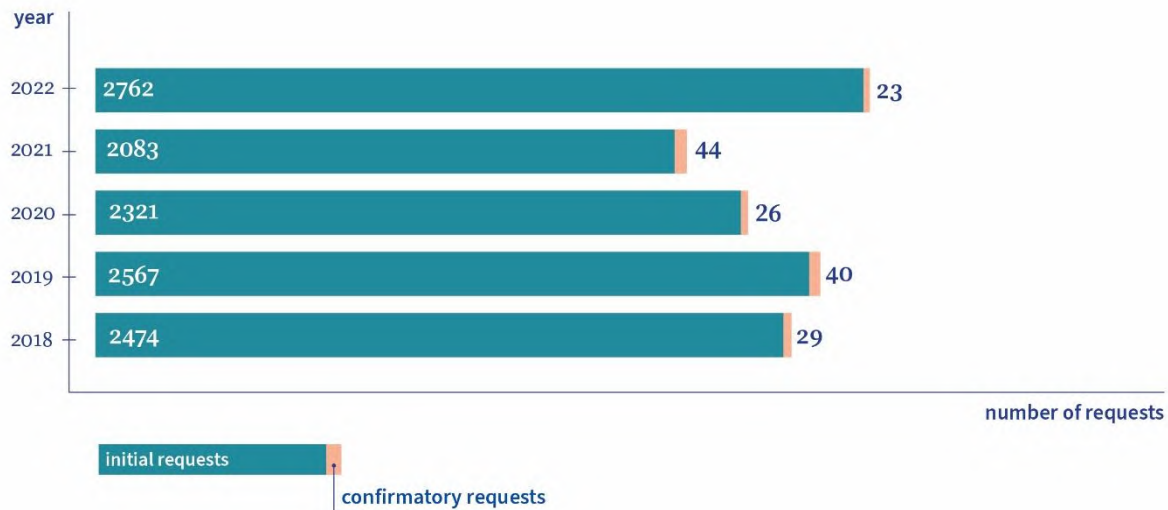
⁷ As provided for in Article 12 of Regulation (EC) No 1049/2001, legislative documents are documents drawn up and/or received in the course of a legislative procedure.

2. Requests for access to documents

In 2022, the Council received 2 762 initial requests for access to documents and 23 confirmatory applications⁸, which required the analysis of 10 902 documents.

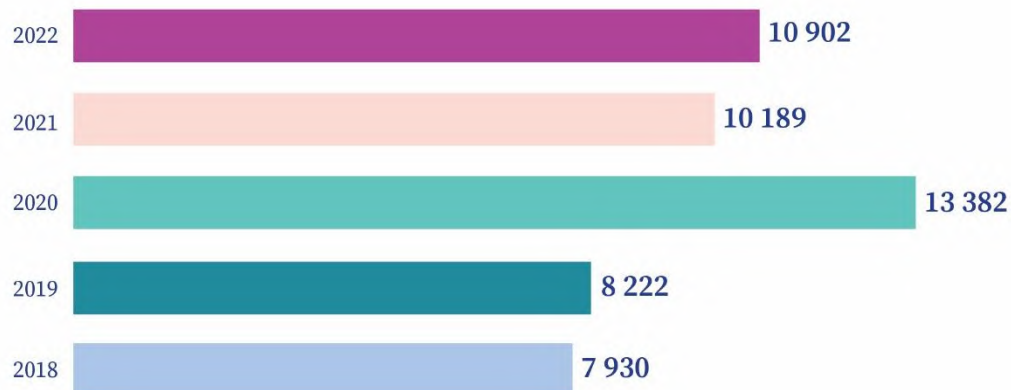
Number of requests

evolution from 2018 to 2022



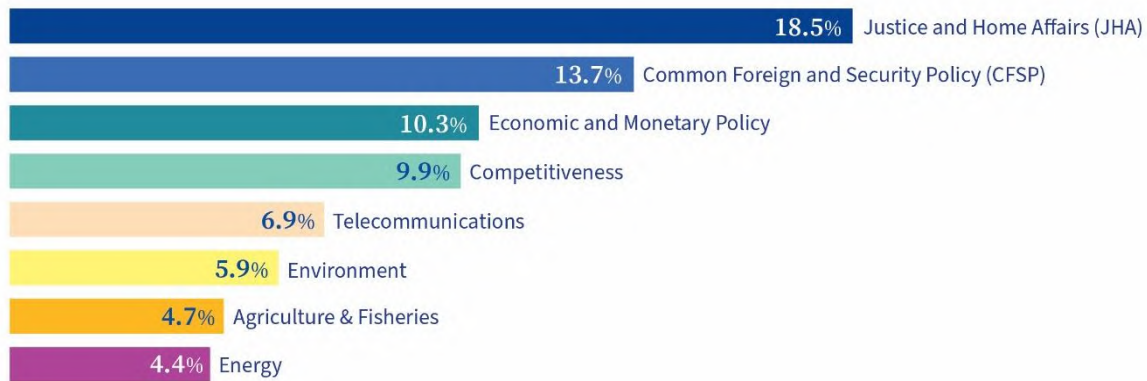
Number of requested documents

evolution from 2018 to 2022



⁸ 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.

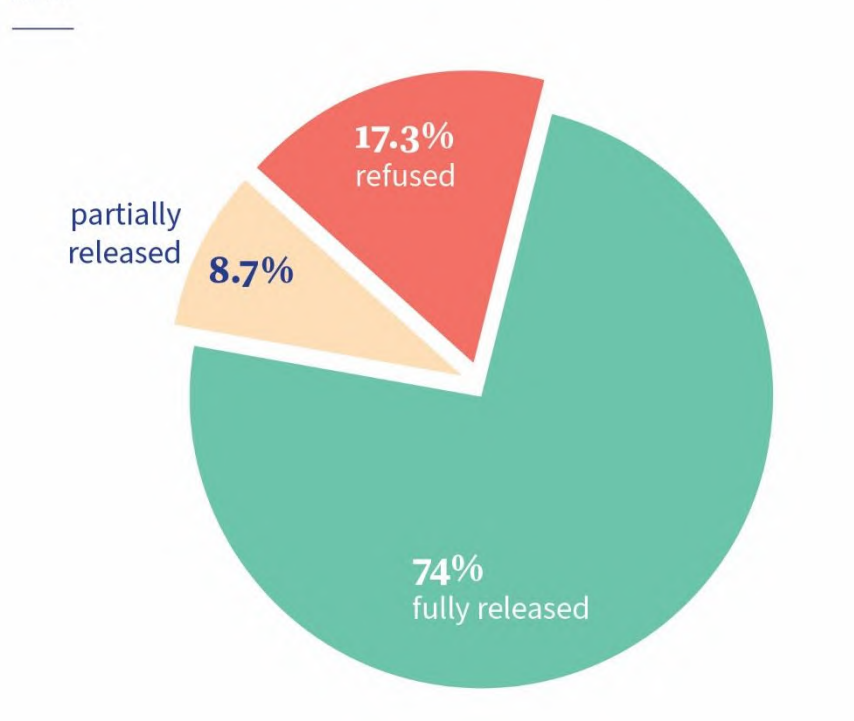
Main policy areas of requested documents in 2022



At the initial stage, full access was granted to 8 064 documents (74 %) and partial access to 955 documents (8.7 %). Access was refused to 1 883 documents (17.3 %).

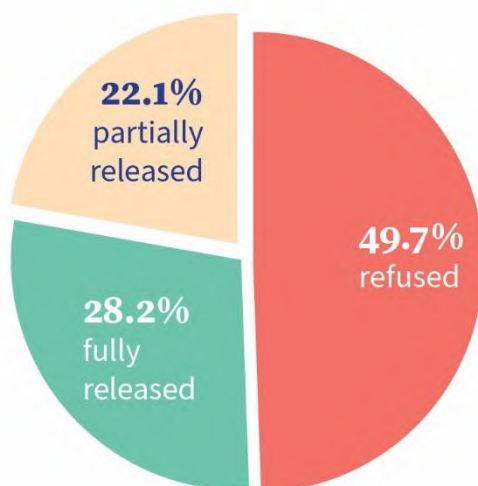
Type of access granted at the initial stage

in %



Following confirmatory applications, full access was granted to 46 documents and partial access to 36 documents. The Council confirmed that access should be refused to 81 documents.

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 (307 times, or 25.6 %), to protect the public interest as regards international relations (208 times, or 17.4 %), and for reasons of public security (78 times, or 6.5 %).

In 47 % of cases (563 times), documents were refused based on a combination of several exceptions. In those cases, access was denied mainly in order to protect the financial, monetary or economic policy of the Community or a Member State as well as the protection of the commercial interests of a natural or legal person, including intellectual property (103 times, or 18.3 %). A combination of the protection of the public interest as regards public security, defence and military matters and international relations was also applied in 95 cases (i.e. in 16.9 % of cases).

A combination of the protection of the public interest as regards international relations, the financial, monetary and economic policy of the Community or a Member State together with the

Council’s decision-making process was applied 74 times, or in 13.1 % of the cases in which several exceptions were applied.

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



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

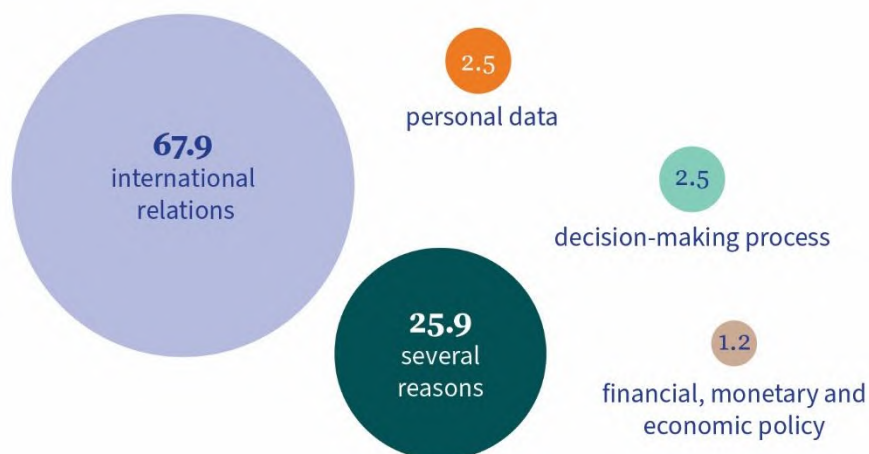
The most frequently used exception in justifying the granting of partial access only was the protection of personal data (41.9%), followed by the protection of the decision-making process (16.9 %).

At the confirmatory stage, when access is refused, in a large majority of the cases, documents were most refused (67.9 %) or only partially released (66.7 %) in order to protect the public interest as regards international relations.

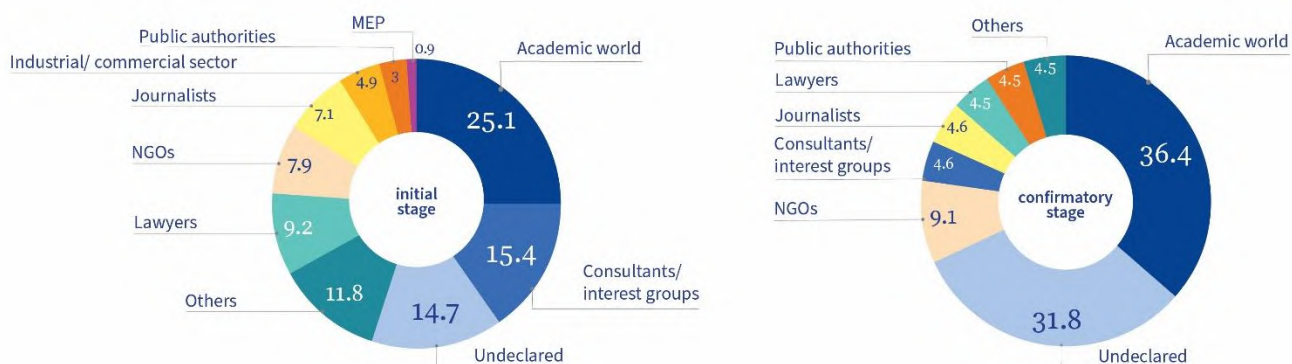
Access was totally or partially refused to documents in one quarter of cases due to a combination of exceptions.

Exceptions used to refuse access at the confirmatory stage

in %



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



It took the GSC on average 16 working days to process initial requests and 36 working days to process confirmatory applications.

Average working days for the GSC to process requests
evolution from 2018 to 2022



The deadline of 15 working days for processing initial requests was extended for 824 requests, i.e. in 29.8 % of cases. The deadline was extended for all confirmatory applications.

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

V. COMPLAINTS LODGED WITH THE EUROPEAN OMBUDSMAN, 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 2022, the Council was notified of three complaints addressed to the European Ombudsman following a request lodged with the Council for access to documents. Details of those requests are set out below.⁹

⁹ The information provided in this report does not include developments after 5 April 2023.

Three complaints received in 2021 are still included in this report since there were some developments in those cases in 2022.

Complaint 717/2021/DL¹⁰

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.

On 24 February 2022, the Ombudsman recommended that the Council grant the widest possible access to document 5591/21; she also requested that the Council provide her with a detailed opinion on that matter by 24 May 2022. In its reply of 16 May 2022, the Council indicated that, as the circumstances had not changed since the reply to the confirmatory application, it was not possible to grant further access to the Legal Service opinion in question.

In her closing decision¹¹ of 17 June 2022, the Ombudsman decided that the Council's refusal to grant the widest possible access to document 5591/21 constituted maladministration.

¹⁰ ST 8157/21 and ST 8157/21 ADD 1.

¹¹ ST 10560/22.

Complaint 1499/2021/TE¹²

This case concerns a citizen's complaint against the Council decision of 30 July 2021 refusing to grant full public access to 23 documents relating 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 a recommendation dated 28 February 2022, the Ombudsman found that the Council's refusal to grant access to Member States' positions on the draft Digital Markets Act constituted maladministration, and recommended that the Council disclose the requested documents in full. The Council replied on 16 May 2022, agreeing to grant the complainant full public access to the requested documents.

In her closing decision of 27 June 2022¹³, the Ombudsman welcomed the Council's positive reaction to her recommendation, but regretted the fact that access to the requested documents had been granted more than one year after the initial request, which had prevented the complainant from informing citizens about the ongoing legislative process. The Ombudsman thus confirmed her finding of maladministration and called on the Council to make available legislative documents at a time that would allow the general public to participate effectively in the discussion.

Complaint 1703/2021/AMF¹⁴

This case concerns a complaint against the Council decision of 24 January 2021 refusing to grant full public access to 10 of 51 documents relating 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 related 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 11475/21 ADD 1.

¹³ ST 10886/22.

¹⁴ 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 achieving a satisfactory outcome in the negotiations for the European Union at either global or 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), on which unanimity was required and to which diplomacy was 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 documents in question was likely to seriously undermine the ongoing decision-making process and that there was no overriding public interest in disclosure at that stage.

The Ombudsman inspected the documents, as well as the consultations held by the General Secretariat of the Council with the authors of the third-party documents, and requested additional explanations¹⁵.

The Council explained that 'once it has been agreed that certain contacts and negotiations were of a confidential nature, both parties, the Council and the OECD, should agree that this was no longer the case. Indeed, the public release of a document involving two parties does not necessarily have the same consequences for both of them and can therefore lead to different assessments. This is the intention behind the consultation process organised under Article 4(4) of Regulation (EC) 1049/2001, which is not binding upon the final assessment of the institution concerned. Moreover, the EU must build trust with its international counterparts, and this necessarily includes trust in its ability to maintain the confidential nature of the talks.'¹⁶ However, the Council considered that, given the state of the negotiations at the time of replying to the Ombudsman, the reasons indicated in the response to the confirmatory application no longer justified the refusal of the disclosure of those letters, as well as of two other documents.

¹⁵ ST 6960/22.

¹⁶ ST 7220/22.

In her decision¹⁷, the Ombudsman concluded that there had been no maladministration on the part of the Council when it had refused access to the ten documents in question, at the time of the adoption of its confirmatory decision, based on the need to protect international relations and the financial, monetary or economic policy of the EU or its Member States.

Complaint 788/2022/SF

This case relates to a complaint concerning the Council 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).

The Ombudsman opened an inquiry¹⁸ into the matter in April 2022 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.

In a letter of 3 February 2023, the Ombudsman examined the application by the Council of the exceptions to public access in the case in question. In the light of her observations, the Ombudsman concluded that 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 a proposal for a solution, 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.

¹⁷ ST 9780/22.

¹⁸ ST 8746/22 INIT and ST 8746/22 ADD 1.

Complaint 815/2022/MIG¹⁹

This complaint concerned a refusal by the Council to grant public access to documents relating to informal arrangements on the return and readmission of irregular migrants that the EU had concluded with six non-EU countries (Afghanistan, Bangladesh, Ethiopia, Gambia, Guinea and the Ivory Coast).

The complaint was lodged by two university researchers who had submitted a number of requests for public access to Council documents concerning those informal readmission arrangements. The complainants sought access both to the arrangements and to documents relating to the negotiations leading up to them.

The Council identified 42 documents and granted access to 21 of them in full and to three of them in part. Access to the remaining 18 documents was denied in order to protect international relations. The complainants then challenged the Council's decisions through five confirmatory applications, and eventually turned to the Ombudsman on 11 April 2022.

The Ombudsman opened an inquiry by letter to the Council of 2 May 2022. Her inspection team reviewed the files in question, including seven classified documents, and held a meeting with representatives of the Council at which the inspectors also obtained confidential information.

By letter of 1 September 2022²⁰, the Ombudsman closed the inquiry with the conclusion that there had been no maladministration by the Council in refusing access to the documents concerned.

Complaint 1834/2022/NH²¹

This case concerns a complaint from a citizen addressed to the European Ombudsman following the Council's refusal by the Council 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.

¹⁹ ST 8756/22, ST 8756/22 ADD 1 and ST 8756/22 ADD 2.

²⁰ ST 12135/22.

²¹ ST 14142/22 INIT, ST 14142/22 ADD 1 REV 1 and ST 14142/22 ADD 2 REV 1.

Further to a confirmatory request, the Council had granted partial access to several parts of said 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.

Further to the Ombudsman's request, in November 2022 the GSC sent the document in question to the Ombudsman for analysis. On 4 April 2023, the Ombudsman recommended that the Council grant full public access to the opinion of its Legal Service, and also requested that the Council provide her with a detailed opinion on that matter by 3 July 2023.

2. European Ombudsman's strategic initiatives

Strategic initiative SI/3/2022/LDS

By letter of 3 June 2022²², the European Ombudsman launched a Strategic Initiative aimed at exploring the Council's possible proactive transparency as regards documents focusing on sanctions in the context of Russia's invasion of Ukraine.

In its reply of 18 October 2022, the Council indicated that, in essence, it was not possible to proactively disclose documents focusing on that matter, owing to the implications in terms of personal data and international relations, the need to take into account the special nature of the decision-making process leading to restrictive measures and the very specific circumstances of the current war situation.

By letter of 18 February 2023, the European Ombudsman thanked the Council for its detailed reply and stated that she had taken note of the Council's arguments. She also informed the Council that she had closed her inquiry.²³

3. Court cases

In 2022, there were four court cases pending before the Union courts: one appeal before the Court of Justice and three cases before the General Court challenging the legality of Council decisions refusing to grant public access pursuant to Regulation (EC) No 1049/2001.

²² ST 12900/22.

²³ ST 6519/23.

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 (ST 13593/18 INIT). The Council is awaiting the judgment of the Court.

In Case T-163/21 *de Capitani v Council*, the applicant sought 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 General Court, in its judgment of 23 January 2023, found that, in relation to Article 15 TFEU, the EU Treaties did not provide for an unconditional right of access to legislative documents and that the principle of openness, although of fundamental importance to the EU legal order, was not absolute. However, the General Court held that, in this particular case, none of the grounds relied on by the Council supported the conclusion that disclosure of the documents at issue would seriously undermine, in a concrete, actual and non-hypothetical manner, the legislative process concerned.

In Case T-682/21 *ClientEarth v Council*, the applicant was seeking 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 an amendment to the Aarhus Regulation (ST 8721/21). The hearing took place on 18 January 2023. The Council is awaiting the judgment of the General Court.

In Case T-683/21 *Leino-Sandberg v Council*, the applicant was seeking 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 an amendment to the Aarhus Regulation (ST 8721/21). The hearing took place on 18 January 2023. The Council is awaiting the judgment of the General Court.

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

The GSC made public 3 415 preparatory documents relating to 70 legislative acts that were adopted in 2022.

VII. VOTING RESULTS

In 2022, the GSC prepared voting results for all the legislative acts that had been adopted by the Council throughout the year (i.e. 85); those voting results are directly available on the [Council's website](#).

VIII. REQUESTS FOR INFORMATION

In addition to requests for access to documents, the General Secretariat of the Council also receives requests for information. Such requests are submitted via various means: electronic forms (available on the Council website), emails and letters. The Public Info service is responsible for replying to those requests for information.

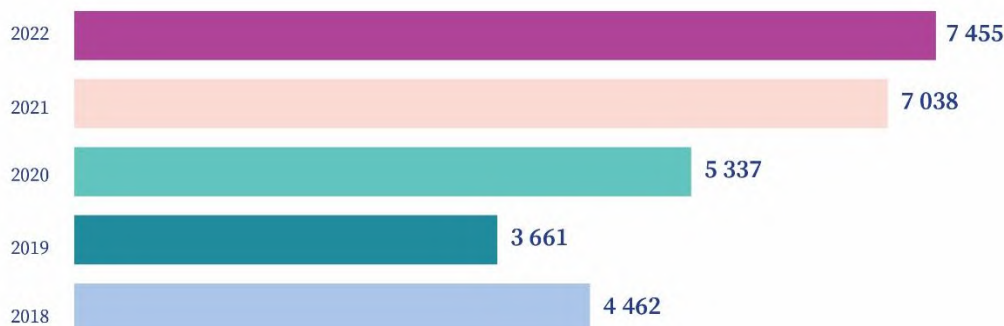
In 2022, the GSC responded to 7 455 requests for information. Those replies were sent as follows:

- 6 999 emails (this figure includes requests received via the web form and by email)
- 456 letters

1 031 of the requests replied to were addressed to the President of the European Council (PEC).

Those figures represent a significant increase in the overall number of requests for information over the past few years.

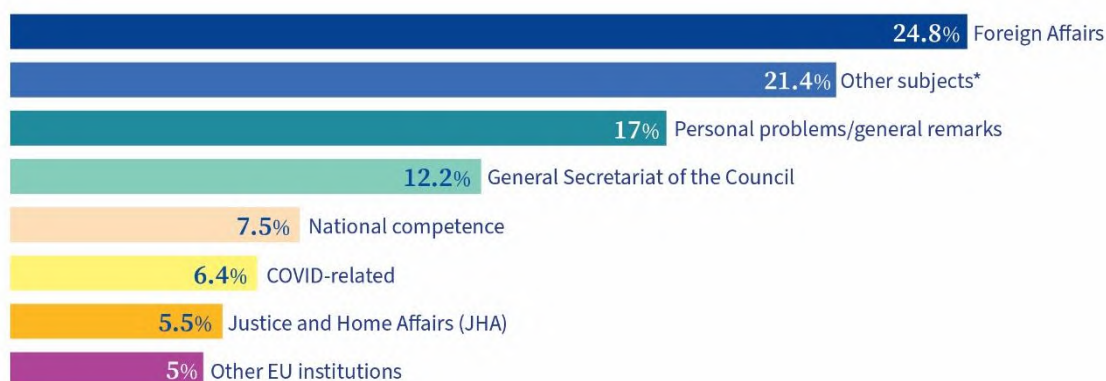
Number of requests for information
evolution from 2018 to 2022



The requests received by the GSC concerned EU policy topics as well as a variety of other subjects. In 2022, the main areas concerned by those requests were the following:

- Foreign affairs: 24.8 % (+133.8%)
- Personal problems/general remarks: 17% (-0.6%)
- General Secretariat of the Council: 12.2% (-41.8%)
- National competence: 7.5 % (+36.3%)
- COVID-related: 6.4% (-47.4%)
- Justice and home affairs: 5.5% (+35.5%)
- Other EU institutions: 5 % (-6.5%)
- Other subjects (e.g. transport, telecommunications and energy; economic and financial affairs; etc.): 21.4 %

Main policy areas of requests for information in 2022



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

Following Russia's invasion of Ukraine in early 2022, the GSC received a large number of messages from citizens wishing to express their views on the issue, in most cases supporting Ukraine and its citizens. Following the adoption of a number of restrictive measures against Russia, including individual sanctions, economic sanctions and diplomatic measures, individuals and companies have often contacted the GSC to request guidance on them.

With the lifting of most COVID-related travel restrictions throughout the EU, the number of enquiries relating to that topic dropped considerably in 2022.

IX. 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 includes relevant information about the attendance of interest representatives at meetings of the Council or its preparatory bodies.

In 2022, 92 requests for attendance of third parties were addressed to COREPER 1 and 270 were addressed to COREPER 2. All were answered in the affirmative.

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

2018	2019	2020	2021	2022
2 474	2 567	2 321	2 083	2 762

2. Number of documents requested by initial requests

2018	2019	2020	2021	2022
7 930	8 222	13 382	10 189	10 902

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

2018		2019		2020		2021		2022	
6 141		6 615		11 796		9 011		9 019	
partial 413	full 5 728	partial 470	full 6 145	partial 542	full 11 254	partial 519	full 8 492	partial 955	full 8 064

4. Number of confirmatory applications

2018	2019	2020	2021	2022
29	40	26	44	23

5. Number of documents considered by confirmatory applications

2018	2019	2020	2021	2022
64	166	118	210	163

6. Documents released by the Council at confirmatory stage

2018		2019		2020		2021		2022	
50		111		66		113		82	
partial 9	full 41	partial 50	full 61	partial 31	full 35	partial 54	full 59	partial 36	full 46

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

2018		2019		2020		2021		2022	
74,3%	79,8%	79,7%	86,4%	84,4%	88,6%	83,9%	89,5%	79%	88,7%

8. Professional profile of the applicants (initial requests)

		2018		2019		2020		2021		2022	
Civil society/ Private sector	Consultants	9,1%	27%	8,2%	23,5 %	7,3%	20,5 %	6,9%	20,9 %	10,7 %	28,2 %
	Environmental lobbies	0,1%		0,4%		0,2%		0,2%		0,1%	
	Other groups of interest	4,3%		3,4%		3%		3,3%		4,6%	
	Industrial/ Commercial sector	7,8%		5%		4,7%		5,2%		4,9%	
	NGOs	5,7%		6,5%		5,3%		5,3%		7,9%	
Journalists		6,4%		6,6%		5%		6,8%		7,1%	
Lawyers		6,9%		5,1%		4,7%		4,3%		9,2%	
Academic world		28,8%		34,8%		39%		33,3%		25,1%	
Public authorities (non-EU institutions, third-country representatives, etc.)		3,4%		4,4%		2%		3,2%		3%	
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%		11,8%	
Undeclared		12,1%		11,8%		12,5%		17%		14,7%	

9. Professional profile of the applicants (confirmatory applications)

		2018		2019		2020		2021		2022	
Civil society/ Private sector	Consultants	0%	12%	6,5%	25,8 %	4%	8%	0%	6,2%	0%	13,7 %
	Environmental lobbies	0%		3,2%		0%		0%		4,6%	
	Other groups of interest	4%		6,4%		4%		0%		0%	
	Industrial/ Commercial sector	4%		0%		0%		3,1%		0%	
	NGOs	4%		9,7%		0%		3,1%		9,1%	
Journalists		16%		12,9%		8%		18,7%		4,6%	
Lawyers		8%		0%		16%		9,4%		4,5%	
Academic world		32%		38,7%		32%		25%		36,4%	
Public authorities (non-EU institutions, third-country representatives, etc.)		0%		0%		4%		0%		4,5%	
Members of the European Parliament and assistants		4%		0%		8%		0%		0%	
Others		4%		3,2%		12%		9,4%		4,5%	
Undeclared		24%		19,4%		12%		31,3%		31,8%	

10. Geographic distribution of the applicants (initial requests)

Country	2018	2019	2020	2021	2022
Belgium	28,1%	27,9%	24,7%	28,1%	30,5%
Bulgaria	0,2%	0,1%	0,5%	0,1%	0,1%
Croatia	0,3%	0,2%	0,2%	0,2%	0,4%
Czech Republic	0,7%	0,9%	0,5%	0,7%	0,5%
Denmark	1,3%	1%	0,9%	1,5%	1%
Germany	13%	13,6%	11,5%	12,4%	11,8%
Estonia	0%	0,1%	0,1%	0,2%	0,1%
Greece	0,8%	0,6%	1,2%	0,9%	0,2%
Spain	4,9%	4,8%	4,2%	4,9%	4%
France	6,3%	7,5%	6,5%	7%	7%
Ireland	0,6%	0,7%	10,4%	1%	0,8%
Italy	5%	4,3%	5,9%	5,6%	3,1%
Cyprus	0%	0,1%	0,2%	0,3%	0,2%
Latvia	0,1%	0%	0,1%	0,1%	0%
Lithuania	0,2%	0%	0%	0%	0,1%
Luxembourg	0,7%	2%	0,8%	0,8%	1,2%
Hungary	0,5%	0,5%	0,4%	0,1%	0,3%
Malta	0%	0%	0%	0,3%	0,2%
Netherlands	6,6%	5,4%	3,5%	5,6%	5,4%
Austria	1,5%	1,9%	1,2%	1,3%	1,8%
Poland	1,3%	0,8%	1,2%	1,8%	1,9%
Portugal	1%	0,9%	0,8%	0,8%	0,9%
Romania	0,2%	1%	0,5%	0,5%	0,4%
Slovenia	0,2%	0,2%	0,2%	0,2%	0,1%
Slovakia	0,3%	0,2%	0,5%	0,6%	0,2%
Finland	0,9%	0,9%	1,3%	1,2%	1,2%
Sweden	1,2%	0,5%	1%	1%	0,9%
United Kingdom	6,9%	6,4%	4,6%	4,4%	3,4%
Third countries	5,5%	6,5%	4,9%	5,5%	3,1%
Undeclared	11,7%	11%	12,2%	12,9%	19,2%

11. Geographic distribution of the applicants (confirmatory applications)

Country	2018	2019	2020	2021	2022
Belgium	36%	16,1%	36%	31,3%	18,2%
Bulgaria	0%	0%	4%	0%	0%
Croatia	0%	0%	0%	0%	0%
Czech Republic	0%	0%	0%	3,1%	4,5%
Denmark	4%	0%	0%	0%	0%
Germany	8%	22,6%	4%	3,2%	18,2%
Estonia	0%	0%	0%	0%	0%
Greece	4%	0%	0%	3,1%	0%
Spain	8%	6,4%	0%	3,1%	0%
France	4%	6,4%	0%	3,1%	9,1%
Ireland	0%	0%	4%	0%	4,6%
Italy	4%	6,5%	8%	3,1%	0%
Cyprus	0%	0%	0%	0%	0%
Latvia	0%	0%	0%	0%	0%
Lithuania	0%	0%	0%	0%	0%
Luxembourg	0%	3,2%	0%	0%	0%
Hungary	4%	0%	0%	0%	0%
Malta	0%	0%	0%	0%	4,5%
Netherlands	0%	6,5%	16%	12,5%	4,6%
Austria	0%	3,2%	0%	3,1%	0%
Poland	0%	0%	0%	0%	0%
Portugal	0%	0%	4%	3,1%	0%
Romania	0%	0%	0%	0%	0%
Slovenia	0%	0%	0%	0%	0%
Slovakia	0%	0%	0%	0%	0%
Finland	4%	3,2%	4%	9,4%	4,6%
Sweden	4%	0%	0%	0%	0%
United Kingdom	4%	9,7%	8%	3,1%	4,5%
Third countries	0%	6,5%	8%	0%	4,5%
Undeclared	16%	9,7%	4%	18,8%	22,7%

12. Policy area of requested documents

Policy	2018	2019	2020	2021	2022
Agriculture, Fisheries	6,1%	4,6%	4,3%	7,8%	4,7%
Internal Market	4,7%	2,2%	0,6%	1,6%	1%
Research	1,4%	1,3%	1,9%	2%	0,5%
Culture	0,7%	0,3%	0,3%	0,5%	0,1%
Education/Youth	1,3%	1,3%	1,7%	1,2%	0,5%
Competitiveness	0,9%	1,8%	1,4%	3%	9,9%
Energy	3,1%	1,7%	1,6%	1,6%	4,4%
Transport	4,3%	5,4%	4,8%	2,8%	3,1%
Environment	8,6%	5,2%	6,2%	4,9%	5,9%
Health and Consumer Protection	2%	1,6%	2,1%	2,4%	3,6%
Economic and Monetary Policy	8,3%	10,1%	16,7%	14,8%	10,3%
Tax Questions – Fiscal Issues	6,1%	5,6%	4,4%	3,8%	2,5%
External Relations – CFSP	14,1%	15,2%	13,1%	12,1%	13,7%
Civilian Protection	0,1%	0,2%	0,1%	0,1%	0,1%
Enlargement	0,5%	1,1%	0,6%	0,5%	0,4%
Defence and Military matters	1,4%	1,7%	1,2%	1,1%	0,6%
Assistance for Development	0%	0,1%	0%	0%	0%
Social Policy	2,5%	3,5%	2%	2,6%	3,3%
Justice and Home Affairs	20%	17,9%	20,4%	17,8%	18,5%
Legal questions	4,6%	3,7%	2,7%	4,3%	3%
Functioning of the institutions	3,6%	3%	1,4%	2,5%	1,3%
Financing of the Union (Budget, Statute)	0,2%	0,3%	0,3%	0,3%	0,1%
Transparency	0,5%	0,7%	0,7%	0,7%	0,6%
General policy questions	1,1%	4,6%	6,7%	4,3%	3,1%
Parliamentary Questions	0,4%	0,8%	0,2%	0,1%	0%
Telecommunications				3%	6,9 %
Various	1,94%	2,6%	2,6%	2%	1,2%
BREXIT	1,56%	3,5%	2%	1,9%	0,7%

13. Exceptions used to refuse access (initial stage)

Exceptions foreseen in regulation 1049/2001	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	69	4,5%	51	4,5%	72	4,8%	87	8,2%	78	6,5%
Protection of public interest as regards defence and military matters	38	2,5%	16	1,4%	11	0,7%	4	0,4%	10	0,8%
Protection of public interest as regards international relations	467	30,6%	300	26,6%	233	15,5%	181	17%	208	17,4 %
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	15	1%	15	1,3%	6	0,4%	0	0%	1	0,1%
Protection of privacy and the integrity of the individual (protection of personal data)	1	0,1%	3	0,3%	5	0,3%	10	0,9%	19	1,6%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	5	0,4%	0	0%	27	2,5%	2	0,2%
Protection of court proceedings and legal advice	11	0,7%	10	0,9%	9	0,6%	9	0,8%	9	0,7%
Protection of the purpose of inspections, investigations and audits	0	0%	3	0,3%	0	0%	0	0%	0	0%
Protection of the Institution's decision-making process	489	32%	215	19,1%	343	22,8%	223	20,9%	307	25,6 %
Several reasons together	436	28,6%	509	45,2%	827	54,9%	525	49,3%	563	47%

14. Exceptions used to refuse access (confirmatory applications)

Exceptions foreseen in regulation 1049/2001	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of public interest as regards defence and military matters	3	21,5%	0	0%	0	0%	0	0%	0	0%
Protection of public interest as regards international relations	3	21,4%	19	34,5%	3	5,8%	33	34%	55	67,9%
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	1,2%
Protection of privacy and the integrity of the individual (protection of personal data)	0	0%	0	0%	0	0%	0	0%	2	2,5%
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%	2	3,6%	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	21,4%	3	5,5%	12	23,1%	13	13,4%	2	2,5%
Several reasons together or other reasons	5	35,7%	31	56,4%	37	71,1%	51	52,6%	21	25,9%

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

Exceptions foreseen in regulation 1049/2001	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	46	11,1%	24	5,1%	28	5,2%	24	4,6%	70	7,3%
Protection of public interest as regards defence and military matters	5	1,2%	3	0,7%	2	0,4%	5	1%	6	0,6%
Protection of public interest as regards international relations	83	20,1%	109	23,2%	156	28,8%	65	12,5%	95	9,9%
Protection of public interest as regards the financial, monetary or economic policy of the Community or a Member State	0	0%	7	1,5%	3	0,5%	1	0,2%	1	0,1%
Protection of privacy and the integrity of the individual (protection of personal data)	67	16,2%	65	13,8%	141	26%	168	32,4%	400	41,9 %
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	8	1,7%	1	0,2%	3	0,6%	4	0,4%
Protection of court proceedings and legal advice	13	3,2%	24	5,1%	19	3,5%	38	7,3%	16	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	117	28,3%	97	20,6%	55	10,1%	71	13,7%	161	16,9 %
Several reasons together or other reasons	82	19,9%	133	28,3%	137	25,3%	144	27,7%	202	21,2 %

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

Exceptions foreseen in regulation 1049/2001	2018		2019		2020		2021		2022	
	#	%	#	%	#	%	#	%	#	%
Protection of public interest as regards public security	0	0%	1	2%	0	0%	1	1,8%	0	0%
Protection of public interest as regards defence and military matters	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of public interest as regards international relations	0	0%	8	16%	0	0%	4	7,4%	24	66,7%
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	11,1%	0	0%	6	19,4%	5	9,3%	1	2,8%
Protection of commercial interests of a natural or legal person, including intellectual property	0	0%	2	4%	0	0%	0	0%	0	0%
Protection of court proceedings and legal advice	0	0%	0	0%	0	0%	4	7,4%	2	5,5%
Protection of the purpose of inspections, investigations and audits	0	0%	0	0%	0	0%	0	0%	0	0%
Protection of Institution's decision-making process	2	22,2%	5	10%	0	0%	7	13%	0	0%
Several reasons together or other reasons	6	66,7%	34	68%	25	80,6%	33	61,1%	9	25%

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)

2018		2019		2020		2021		2022	
399 949	281 412 (70%)	420 763	297 670 (70.7%)	440 148	313 253 (71.1%)	460 907	330 434 (71.7%)	482 786	346 951 (71.9%)

18. Number of documents (original language version) added to the public register in 2022

	Public upon circulation	LIMITE	LIMITE made public upon request	Partially available
Legislative	2 201	2 139	1 207	112
Non legislative	11 107	9 034	2 718	407

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

	2018	2019	2020	2021	2022
For the initial applications ²⁴	17 (2 474 requests)	17 (2 567 requests)	17 (2 321 requests)	17 (2 083 requests)	16 (2762 requests)
For the confirmatory applications ²⁵	36 (29 conf. applications)	37 (40 conf. applications)	34 (26 conf. applications)	33 (44 conf. applications)	36 (23 conf. applications.)
Pondered average (initial + confirmatory)	17,22	17,31	17,19	17,34	16,17

²⁴ 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".

²⁵ 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)

	2018	2019	2020	2021	2022
Initial applications	892 of 2 474 36,1%	809 of 2 567 31,5%	776 of 2 321 33,4%	623 of 2083 29,9%	824 of 2762, 29,8%
Confirmatory applications	26 ²⁶ (of 29)	40	26 [of 26]	43 [of 44]	23 [of 23]

²⁶ 3 confirmatory applications were withdrawn.