

# Public access to European Parliament, Council and Commission documents

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The Commission presents a report on the application in 2007 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

The main findings are as follows:

**Access applications:** the constant increase in the number of **initial applications** since the Regulation was adopted was again observed in 2007, when 4196 initial applications were registered

by departments, 355 more than in 2006. The number of **confirmatory applications** virtually doubled; 273 such applications were registered in 2007 as against 140 in 2006. With regard to the **breakdown of applications by area of interest**, cooperation in judicial matters, transport and energy, competition, the internal market, the environment and enterprise policy accounted for nearly 40% of applications. The **breakdown of applications by social and occupational categories** confirmed the significance of applications from the academic world, which remained the largest single category, accounting for more than 30% of the total.

**Exceptions to the right of access:** the percentage of initial applications receiving positive responses remained roughly the same as the previous year. In 72.71% of cases (compared with 73.83% in 2006) the documents were disclosed in full, while in 3.88% of cases (compared with 2.94% in 2006) partial access was granted. The percentage of decisions confirming the initial decision decreased slightly (66.30% of cases compared with 69.29% in 2006). The percentage of cases in which applications were granted in full after initial refusal virtually doubled (15.38 % as against 8.57 % in 2006). The percentage of cases in which partial access was granted after initial refusal, on the other hand, fell slightly (18.32 %, as against 22.14 % in 2006).

The two main reasons for refusing an initial application continued to be: i) protecting the purpose of inspections, investigations and audits; ii) protecting the Commission's decision-making process. Protection of international relations and protection of commercial interests were cited in 10.98% (against 7.06% in 2006) and 10.79% (against 8.94% in 2006) of refusals respectively, a marked increase.

**Ombudsman:** in 2007 the Ombudsman closed the following sixteen complaints against the Commission for refusing to disclose documents. The Ombudsman received thirteen complaints concerning refusal to disclose documents.

**Court action:** the Court of First Instance handed down two judgments on cases relating to Commission decisions completely or partially refusing access to documents under Regulation (EC) No 1049/2001. Fifteen new actions, including six appeals, against Commission decisions under Regulation 1049/2001 were submitted in 2007.

**Conclusion:** as in past years, the overall picture that emerges from analysis of access applications is that a large proportion of them relate to Commission monitoring of the application of Community law. In a very large number of cases access was applied for in order to obtain documents likely to support the applicant's position in a complaint concerning, for example, an alleged infringement of Community law or an administrative or judicial action. These applications generally relate to large volumes of documents, analysis of which gives rise to a substantial administrative burden.

It should also be noted that the exception relating to protection of the Commission's decision-making process is cited mainly to protect decision-making on individual issues. In the legislative field, more and more documents are made available to the public directly, without waiting for access applications. The Commission's Directorates-General have developed their websites on specific policies and have used them to make a large number of documents publicly available.

The exception concerning the protection of commercial interests, which have shown a marked increase, is mainly cited in connection with requests for access to competition policy documents.

These trends, which have become more marked over the years, guided the Commission's thinking when it drew up the proposed amendments to the Regulation.