Public access to European Parliament, Council and Commission documents

2000/0032(COD) - 08/10/2014 - Follow-up document

This Commission presented its report on the application in 2013 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

According to the report, in **84% of cases** at the initial stage the requested documents were disclosed. At the confirmatory stage, either full or partial access was granted in **42% of cases**.

Analysis of access requests: in 2013, the **flow of access requests at the initial stage increased** in terms of the number of applications (6525 in 2013 in comparison with 6014 in 2012). The number of replies based on Regulation 1049/2001 was 5906 in 2013 in comparison with 5274 in 2012.

As regards the confirmatory stage, the number of applications received slightly increased by 3% (236 new confirmatory applications in 2013 against 229 in 2012). 252 cases were closed in 2013 in comparison with 202 in 2012. This constitutes a significant increase of 25%.

The Commission remains by far the institution handling the largest number of both initial and confirmatory requests pursuant to Regulation 1049/2001. The Commission handles roughly twice as many requests as the Council and European Parliament together.

- In 2013, as in 2012, the Secretariat General and Directorate-General for **Health and Consumers** received the highest number of initial requests (13.9% and 8.3% of the total respectively), followed by the Directorate-General for Competition with 5.2% of initial applications and the Directorate-General Environment with 5.1%.
- The academic world proved once again to be the most active category of applicants, accounting for 22.1% of initial applications (as opposed to 22.7% in 2012). It was followed by civil society (interest groups, NGOs) with 16.6% (as opposed to 10.3% in 2012) and law firms with 14.5% (as opposed to 13.6% in 2012) of the total number of applications. For 25.3% of the applications, the socio-professional profile of the applicants is undefined.
- The largest proportion of applications originated from **Belgium** (24.2%). Aside from Belgium and Germany (13%) none of the Member States, exceeded 10% of applications.

Application of exceptions to the right of access: in 2013, the proportion of applications that were fully refused at the initial stage decreased in comparison with the previous year (14.5% in 2013 against

17% in 2012). Full disclosure has been given in almost four out of every five cases (73.5% against 74.5% in 2012) whereas the percentage of partially disclosed documents increased in comparison to the previous years to reach 10.7% (in comparison with 8.6% in 2012).

The number of cases where, following a confirmatory application, the Commission reversed the position taken by its services by fully disclosing previously refused documents, slightly increased (20.1% against 18.8% in 2012). In addition, there was a slight decrease in cases where a refusal was fully confirmed.

The most frequently invoked ground for confirming a refusal of access was, as in previous years, the **protection of the purpose of investigations**, (36.9% compared with 45.1% in 2012).

The proportion of decisions invoking the protection of the Commission's decision-making process as an exception was 16.1% (an increase in comparison with 2012).

The report noted an increase in the frequency of decisions invoking the on-going decision-making process (10.6% against 6.5% in 2012).

The protection of commercial interests was invoked slightly more frequently than in the previous year (12% compared with 11.8% in 2012).

The report concludes that a considerable number of access requests and the high rate of disclosure of documents show that the right of access to documents constitutes an important tool within the Commission's overall efforts to promote transparency. These include, among others, (i) the recent revision of the transparency register and (ii) the strengthening of the Commission's guidelines for stakeholder consultation.

In order to ensure transparency, the right of access to documents continues to be complemented by an extensive publication of information and documents on the Commission's legislative and non-legislative activities.