

Public access to European Parliament, Council and Commission documents

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The Commission presented a report on the application in 2016 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

Number of applications: in 2016, the number of initial applications decreased by almost 10% (6 077 compared to 6 752 in 2015). The number of initial replies based on Regulation 1049/2001, on the other hand, increased by more than 2% (from 5 819 in 2015 to 5 944 in 2016 – the highest number of replies in the last five years).

The remaining 1 193 replies were provided outside the scope of Regulation 1049/2001, or confirmed that the documents requested were not in the possession of the Commission.

Most initial applications in 2016 continued to originate from **citizens**. These accounted for almost 40% of all applications (38.3% compared to 24.7% in 2015). The academic institutions and think tanks were the second most active category, accounting for 16% of initial applications (in comparison with 21.3% in 2015).

Regarding the **geographical breakdown** of initial applications, the largest proportion continued to originate from the applicants within **Belgium** (27.2%, compared to 26.8% in 2015), followed by Germany (12.6%, compared to 11.7% in 2015) and the United Kingdom (a significant increase, from 7.6% in 2015 to 10% in 2016).

Application of exceptions to the right of access: in 2016, full or partial access to documents was given in more than 80% of cases at the **initial stage** (81.3% in comparison to 84.7% in 2015). Full access continued to be given in almost 61% of all cases.

As regards the invoked exceptions to the right of access, the protection of **privacy and the integrity of the individual** continued to be the main ground for (full or partial) refusal of access at the initial stage, remaining constant at almost 30%. The second most invoked exception was the protection of the decision-making process of the institution (a slight increase, from 20.3% in 2015 to 21.7% in 2016). The exception aimed at protecting the purpose of inspections, investigations and audits, occupying the third place, was invoked considerably less frequently than in 2015 (16.2% in 2016 compared to 20.9% in 2015).

Complaints to the European Ombudsman: in 2016, the Ombudsman closed 21 complaints against the Commission's handling of requests for access to documents. Six of these were closed with further or critical remarks. For comparison, in 2015 the Ombudsman closed 23 complaints, six of which with a critical remark.

In 2016, the Ombudsman opened 12 new inquiries where access to documents was either the main or a subsidiary part of the complaint (a slight increase in comparison to 2015, when 11 new inquiries were opened).

Conclusions: in 2016, the Commission continued to deliver on its commitment to increase transparency, both under Regulation 1049/2001 and in the framework of its broader transparency agenda. It continued to pro-actively publish, in a **user-friendly way**, a wide range of information and documents on its various, legislative and non-legislative activities.

The right to access documents upon request, as provided for in the Charter of Fundamental Rights of the EU, the Treaties and Regulation 1049/2001, continued to be an important instrument through which the Commission delivers on its transparency commitment.

In 2016, the Commission received more than 6 000 initial applications for access to documents, and close to 300 confirmatory applications. This demonstrates that EU citizens and other beneficiaries are making active use of their right to access documents held by the Commission.

The Commission remains by far the institution handling the largest number of access-to-documents requests.