Documents of the European Parliament, Council and Commission: public access (implem. Regulation (EC) No 1049/2001)

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On 30 May 2001, the European Parliament and the Council adopted Regulation 1049/2001/EC regarding public access to European Parliament, Council and Commission Documents. This Regulation, which implements the new Article 255 of the Treaty establishing the European Community, is in line with the more general policy of transparency and information, of which it forms an intrinsic part. The policy of transparency, in turn, represents one of the pivotal features of European governance, particularly as regards the principles of openness, participation and responsibility. Other action has been taken with regard to transparency, information and relations with European citizens. The Commission has, for example, adopted minimum standards for the consultation of civil society organisations. It has continued to work towards simplifying and improving the regulatory environment and has proposed a new information and communication strategy to the Council. Regulation 1049/2002 became applicable on 3 December 2001, thereby replacing the rules on access previously introduced by the three institutions. Article 17(1) stipulates 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". The present document is the first annual report of this kind drawn up by the Commission. It is of a factual nature and takes stock of how the Regulation has been implemented during its first year in force by all Commission services, including OLAF. On the basis of the information contained in this report and in the similar reports produced by the European Parliament and the Council, the European Commission will publish a report on the implementation of the principles of the Regulation by January 2004, in accordance with Article 17(2) of the Regulation. The report is divided into three parts: 1) an overview of the action taken to implement the Regulation; 2) an analysis of the practical application of the Regulation; 3) figures on the application of the Regulation. To illustrate the trends in requests for access to Commission documents, the report also presents the data on the last three years of implementation of the Code of Conduct introduced pursuant to Decision 94/90. The data can thus be used to compare four years during which a policy of transparency towards the public has been in force. As regards the practical application of the Regulation in 2002, the report states that the year 2002 was marked by a major change in the policy of allowing access to Commission documents. The number of initial requests, which had remained relatively constant during the last three years of implementing the Code of Conduct, more than doubled during the first year of implementing Regulation 1049/2001 (the number rose from 450 requests in 2001 to 991 in 2002). The number of confirmatory requests also almost doubled. Although there are no objective factors which explain the reasons for this spectacular increase in the number of requests, it can no doubt be attributed largely to the adoption of the Regulation and the publicity surrounding it and to the opening of the publicregister. The type of requests and their origin have also changed during the past year. Some trends are worth mentioning: - an increase in requests has been particularly noticeable in the fields of competition and of customs and taxation; the percentage of requests in these areas has doubled, which means a fourfold increase in absolute figures. However, the percentage of requests concerning the internal market has remained constant (which still means that the actual number of requests has doubled), while the percentage of requests relating to environmental policy has fallen to less than a half (the number of requests remains more or less the same in absolute figures). It is noteworthy that almost 40 % of the total number of requests falls within the remit of 4 Directorates-General, whereas the Secretariat-General deals with 15 % of the total number of requests received by the Commission; - the proportion of requests from members of the public or people who do not say that they are acting on behalf of any particular organisation has risen sharply from an average of 10% to over 30%. This is explained in part by the high number of requests submitted by e-mail, where only the requester's name is shown; - the interest shown by

law firms in accessing documents has continued and remains steady at around 22-23%. Although, in percentage terms, the interest shown by law firms has remained stable, the numbers of requests from this sector has actually doubled; - in relative, requests from the academic sector have fallen sharply from 22% to 12%, which nevertheless corresponds to a slight increase in absolute figures; - many requests for access submitted to the Commission are very extensive and vague. For example, a large number of requests relate to accessing all documents on a particular subject. Requests of this kind can cover hundreds of documents. They tend to be submitted by researchers, students and law firms.