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ANNEX 1

ANNEX

to the

REPORT FROM THE COMMISSION

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

Statistics relating to the application of Regulation (EC) No 1049/2001

1. THE NUMBER OF DOCUMENTS ENTERED IN THE REGISTER

	C	COM	JOIN	OJ	PV	SEC	SWD	Total
2015	15,558	1,488	91	119	87	1,293	309	18,945
2016	14,458	1,931	115	132	93	1,333	461	18,523

2. THE CONSULTATION OF THE ACCESS-TO-DOCUMENTS WEBSITE ON EUROPA

	Unique visitors		Visits		Pages viewed	
	2015	2016	2015	2016	2015	2016
Monthly average	1,294	1,291	1,578	1,599	1,944	1,941
Total	15,525	15,496	18,939	19,191	23,324	23,290

3. THE NUMBER OF INITIAL APPLICATIONS RECEIVED AND HANDLED

	2012	2013	2014	2015	2016
Applications registered	6,014	6,525	6,227	6,752	6,077
Replies given ¹	6,334	7,659	7,156	7,684	7,137
Replies given based on Regulation 1049/2001 ²	5,274	5,906	5,637	5,819	5,944

¹ A single request can concern several documents and can consequently give rise to several different replies. On the other hand, several requests can be grouped together in some cases and give rise only to one single reply.

² This category includes only replies granting, or (partially) refusing, access to documents requested under Regulation 1049/2001. It does not include the replies where the Commission indicated that it is not in possession of the documents requested. Furthermore, it does not include the replies to applications for access to documents which were considered to fall outside the scope of Regulation 1049/2001 (e.g. replies provided under the principle of sincere cooperation with Member States or other institutions, replies on the basis of the Code of Good Administrative Behaviour, etc.).

4. THE REPLIES GIVEN AT THE INITIAL STAGE

	2012		2013		2014		2015		2016	
	No	%	No	%	No	%	No	%	No	%
Full access granted	3,928	74.48	4,400	73.43	4,096	72.77	4,003	68.79	3,622	60.94
Partial access granted	892	16.91	866	14.45	668	11.87	926	15.91	1,213	20.41
Access refused	454	8.61	640	10.68	866	15.36	890	15.29	1,109	18.66
Total	5,274	100	5,906	100	5,630	100	5,819	100	5,944	100

5. THE NUMBER OF CONFIRMATORY APPLICATIONS RECEIVED AND HANDLED

	2012	2013	2014	2015	2016
Applications registered	229	236	300	284	295
Replies given ³	202	252	327	291	257
Replies given based on Regulation 1049/2001 ⁴	160	189	272	230	219

6. THE REPLIES GIVEN AT THE CONFIRMATORY STAGE

	2012		2013		2014		2015		2016	
	No	%	No	%	No	%	No	%	No	%
Full revision – Full access granted	30	18.75	38	20.11	51	18.75	22	9.57	11	5.02
Partial revision – Partial access granted	39	24.38	45	23.81	67	24.63	73	31.74	103	47.03
Confirmation of initial reply – Access refused	91	56.88	106	56.08	154	56.62	135	58.70	105	47.95
Total	160	100	189	100	272	100	230	100	219	100

³ See explanation in footnote 1.

⁴ See explanation in footnote 2.

7. THE REFUSAL OF ACCESS BY EXCEPTION APPLIED (%)

Exceptions as set out in Article 4 of Regulation 1049/2001	INITIAL STAGE		CONFIRMATORY STAGE	
	2015	2016	2015	2016
4.1(a), 1st indent – Protection of the public interest as regards public security	2.43	7.29	2.05	2.39
4.1(a), 2nd indent – Protection of the public interest as regards defence and military matters	0.15	0.15	0	0
4.1(a), 3rd indent – Protection of the public interest as regards international relations	4.92	3.39	7.38	2.39
4.1(a), 4th indent – Protection of the public interest as regards the financial, monetary or economic policy of EU or a Member State	0.71	1.42	2.87	2.79
4.1(b) – Protection of privacy and the integrity of the individual	29.40	29.76	15.57	28.29
4.2, 1st indent – Protection of commercial interests	14.75	13.71	13.11	15.94
4.2, 2nd indent – Protection of court proceedings and legal advice	4.51	4.70	4.92	5.58
4.2, 3rd indent – Protection of the purpose of inspections, investigations and audits	20.88	16.23	37.70	20.32
4.3, first subparagraph – Decision-making process where no decision has been taken yet	17.69	18.78	13.93	20.32
4.3, second subparagraph – Decision-making process where the decision has already been taken (opinions for internal use as part of deliberations and preliminary consultations)	2.58	2.95	2.46	1.99
4.4. and 4.5. – Refusal by a Member State or a third party ⁵	1.98	1.60	/	/
Total (%)	100	100	100	100

⁵ This category is not used anymore, as it does not constitute an exception in the sense of Article 4 of Regulation 1049/2001. It still appears as the raw data available did not in all cases enable a ventilation in accordance with the exceptions of Article 4 of Regulation 1049/2001.

8. THE SOCIAL AND OCCUPATIONAL PROFILE OF APPLICANTS (%)⁶

	INITIAL STAGE		CONFIRMATORY STAGE	
	2015	2016	2015	2016
Academic institution/Think tank	21.33	15.96	5.63	4.41
Company/Business association	2.03	9.73	0	3.05
Journalist	7.08	5.89	13.03	8.14
Law firm/self-employed attorney	12.74	13.46	27.82	26.44
MEP/assistant MEP	10.63	4.77	3.17	3.05
Non-governmental organization (NGO)	15.18	11.88	24.65	24.75
National/subnational authorities ⁷	6.26	0	1.41	0
Not specified (Citizens)	24.75	38.3	24.29	30.17
Total (%)	100	100	100	100

9. THE GEOGRAPHICAL ORIGIN OF APPLICANTS (%)

	INITIAL STAGE		CONFIRMATORY STAGE	
	2015	2016	2015	2016
Austria	1.23	1.35	1.41	1.02
Belgium	26.78	27.23	30.28	33.22
Bulgaria	0.68	0.59	0.70	1.36
Cyprus	0.07	0.07	0	0
Croatia	0.33	0.30	0.35	0.68
Czech Republic	0.86	1.51	2.11	1.69
Denmark	1.63	1.65	1.06	0
Estonia	0.22	0.23	0	1.02
Finland	0.68	1.05	0	0.34
France	7.57	7.95	5.99	5.08

⁶ In 2016, the categories of social and occupational profiles were reconfigured and no longer correspond to the categories indicated in the 2015 Annual Report. Consequently, in the 2016 Annual Report, the 2015 statistics are reconfigured under the new profiles introduced in 2016.

⁷ In 2015, the applications from national/subnational authorities were registered as applications under Regulation 1049/2001. In 2016, they are no longer registered as such, as they are considered as applications made under the principle of sincere cooperation between the Commission and Member States.

Germany	11.74	12.56	15.14	13.22
Greece	0.96	1.51	2.46	1.69
Hungary	1.29	1.22	0.70	1.36
Ireland	1.04	1.53	1.76	1.36
Italy	7.26	6.70	4.23	9.83
Latvia	0.13	0.23	0	0
Lithuania	0.33	0.43	0	0
Luxembourg	0.96	0.82	1.06	0.34
Malta	0.28	0.26	0.35	0.34
Netherlands	5.48	5.20	7.39	6.44
Poland	3.04	1.99	5.99	2.03
Portugal	0.89	1.07	0.70	0
Romania	0.46	0.58	0.70	0
Slovakia	0.76	0.28	0.70	0
Slovenia	0.15	0.21	0.35	0.34
Spain	9.91	7.54	2.46	8.81
Sweden	2.22	1.27	0.35	0
United Kingdom	7.63	10.04	10.21	5.76
Non-EU European countries	1.81	1.65	1.76	3.05
North America	1.20	0.99	0.70	0.34
Australia and New Zealand	0.03	0.36	0	0
Africa	0.36	0.20	0	0
South America	0.09	0.12	0	0
Asia	0.96	0.84	0	0.34
Not specified ⁸	0.99	0.49	1.06	0.34
Total (%)	100	100	100	100

⁸ This category appears in the statistics because in cases, where the initial application was not submitted via the online tool, it was encoded manually and in certain cases, due to a clerical error, the country of the applicant was not indicated in the IT system used for the management of the access to documents cases (GestDem).

10. THE APPLICATIONS PER COMMISSION DEPARTMENT (%)

	INITIAL STAGE		CONFIRMATORY STAGE	
	2015	2016	2015	2016
AGRI – Agriculture and Rural Development	3.97	3.21	3.52	1.69
BUDG – Budget	0.47	0.72	0.70	0.34
CLIMA – Climate Action	1.87	1.28	1.76	1.36
CNECT – Communications Networks, Content and Technology	2.65	2.19	2.11	2.71
COMM – Communication	0.33	0.66	0	1.02
COMP – Competition	5.81	7.22	16.20	15.93
DEVCO – International Cooperation and Development	5.35	3.51	1.06	1.36
DGT – Translation	0.06	0.10	0	0.34
DIGIT – Informatics	0.10	0.54	0.70	0
EAC – Education, Youth, Sport and Culture	0.71	0.72	0.35	0.34
ECFIN – Economic and Financial Affairs	1.26	1.25	0.35	0.34
ECHO – European Civil Protection and Humanitarian Aid Operations	0.34	0.56	0.35	1.02
EMPL – Employment, Social Affairs and Inclusion	2.68	3.16	2.11	4.07
ENER – Energy	3.47	2.86	2.82	2.03
ENV – Environment	5.79	4.02	3.52	3.73
EPSC – European Political Strategy Centre	0.10	0.05	0	0
EPSO – European Personnel Selection Office	0.09	0.89	0.35	5.42
ESTAT – Eurostat	0.44	0.28	0.35	0
FISMA – Financial Stability, Financial Services and Capital Markets Union	2.59	5.63	1.06	1.36
FPI – Service for Foreign Policy Instruments ⁹	0.86	1.35	0.70	0
GROW – Internal Market, Industry, Entrepreneurship and SMEs	8.58	7.57	10.56	5.76
HOME – Migration and Home Affairs	4.21	4.29	3.87	3.39
HR – Human Resources and Security (including OIL (Offices for Infrastructure and Logistics in Luxembourg) + PMO (Office for Administration and Payment of Individual Entitlements))	2.31	3.01	3.87	1.69
IAS – Internal Audit Service	0.09	0.05	0.35	0.34
JRC – Joint Research Centre	0.24	0.25	0	0
JUST – Justice and Consumers	2.77	3.26	7.39	6.10
MARE – Maritime Affairs and Fisheries	1.04	0.66	0	0.34
MOVE – Mobility and Transport	3.76	4.67	1.41	3.05

⁹ Since the creation of the European External Action Service (EEAS), only documents of the FPI are retained within the Commission.

NEAR – European Neighbourhood Policy and Enlargement Negotiations	1.38	2.19	1.76	2.71
OIB – Office for Infrastructure and Logistics in Brussels	0.06	0.08	0	0
OLAF – European Anti-Fraud Office ¹⁰	0.25	0.33	0	0.34
OP – Publications Office	0.15	0.10	0.70	0
REGIO – Regional and Urban Policy	3.92	3.34	0.35	1.36
RTD – Research and Innovation	1.16	1.43	1.06	2.37
SANTE – Health and Food Safety	9.18	8.01	7.04	10.17
SCIC – Interpretation	0.01	0.07	0	0
SG – Secretariat-General	8.74	8.62	10.21	6.78
SJ – Legal Service	3.17	3.65	4.58	4.41
TAXUD – Taxation and Customs Union	5.67	4.18	6.34	6.10
TRADE – Trade	4.38	4.03	2.46	2.03
Total (%)	100	100	100	100

¹⁰ The data for the European Anti-Fraud Office (OLAF) concern the applications for access to documents as regards its administrative activities, which are recorded in the same IT system as used by other Commission departments (GestDem). The applications for access to documents concerning OLAF's investigative activities are not the subject of this report.