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REPORT FROM THE COMMISSION

**on the application in 2003
of Regulation (EC) No 1049/2001
regarding public access to European Parliament, Council and Commission documents**

FOREWORD

Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ has entered its third year. During the first quarter of 2003, each of the three institutions published an initial annual report concerning the application of the Regulation in accordance with the terms of Article 17(1)².

The present report starts by outlining the measures introduced or finalised in 2003 in order to ensure that the Regulation is applied in full. The first three chapters cover various regulatory amendments in succession, the development of registers and the results of interinstitutional cooperation.

A fourth chapter examines requests for access, the percentage of requests refused and the reasons for these refusals.

The fifth chapter deals with the complaints submitted to the Ombudsman and the sixth gives a description of the state of case law.

The statistics on the processing of requests for access are included in the Annex. The tables show the figures for the two years in which the Regulation has been in force.

Finally, it should be borne in mind that the statistics relate only to requests for access to unpublished documents and do not cover either orders for public documents or requests for information.

¹ OJ L 145, 31.5.2001, p. 43.

² Commission report adopted on 29.4.2003, COM(2003) 216 final.

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1. MEASURES LAID DOWN IN THE REGULATION

1.1. Amendment of the Regulation on the opening to the public of the historical archives

On the basis of the Commission proposal³, the Council adopted Council Regulation (EC, Euratom) No 1700/2003 on 22 September 2003 amending Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives⁴.

This Regulation brings the Regulation on the historical archives into line with the Regulation on public access to documents. In particular, the provisions of Regulation No 354/83 excluding certain categories of documents from public access have been replaced by provisions which allow exceptions to be applied to the right of access beyond a period of 30 years. These exceptions concern:

- the protection of privacy and of the integrity of the individual;
- the protection of commercial interests;
- the specific provisions on sensitive documents.

Moreover, the institutional scope of the Regulation on the historical archives has been extended to include the European Economic and Social Committee, the Committee of the Regions and similar agencies and bodies created by the Community legislature.

1.2. Extension of the scope of Regulation 1049/2001 to the Community agencies

In line with the Commission's proposals, the provisions setting up similar agencies and bodies were amended as a result of the adoption of a number of Regulations by the Council on 18 June 2003 and by the European Parliament and the Council on 22 July 2003⁵.

These Regulations, which came into force on 1 October 2003, make Regulation 1049/2001 applicable to the agencies. The agencies are required to adopt the implementing rules for the Regulation by 1 April 2004.

1.3. Decisions adopted by other Community institutions or bodies

The Committee of the Regions and the European Economic and Social Committee have adopted rules on accessing their documents which are based on Regulation 1049/2001⁶.

³ COM(2002) 462 final, 19.8.2002.

⁴ OJ L 243, 27.9.2003, p. 1.

⁵ Regulations 1641/2003 to 1655/2003, OJ L 245, 29.9.2003.

⁶ Decision No 64/2003 of the Committee of the Regions, OJ L 160, 28.6.2003, p. 96; Decision No 603/2003 of the EESC, OJ L 205, 14.8.2003, p. 19.

1.4. Proposals concerning the application of the Århus Convention

On 24 October 2003, the Commission adopted a proposal for a Regulation on the application of the provisions of the Århus Convention on access to information, public participation in decision-making and access to justice in environmental matters to EC institutions and bodies⁷.

This proposal makes provision for extending the scope of Regulation 1049/2001 to the Community institutions and bodies which are not referred to in Article 255 of the EC Treaty as regards public access to environmental information. These provisions will apply to the Court of Justice only in cases where it does not act as a judicial body.

1.5. Evaluation of the implementation of the principles of Regulation 1049/2001

In accordance with Article 17(2) of the Regulation, the Commission carried out an evaluation of the Regulation and of its implementation. The report on this exercise was adopted on 30 January 2004 and published⁸.

2. REGISTERS AND THE PROVISION OF INFORMATION TO THE PUBLIC

2.1. Development of the register of internal Commission documents

2.1.1. Scope of the register

The register has been extended to include agendas and minutes of Commission meetings; these documents have been included in the register since 1 January 2002. As a result, the register now covers all the documents which reflect the work of the College.

At the end of 2003, the register contained the following documents:

	COM	C	OJ	PV	SEC	Total
2001	1 956	5 389	-	-	4 773	12 118
2002	2 095	6 478	134	116	3 066	11 889
2003	2 338	6 823	135	113	2 467	11 876
Total	6 389	18 690	269	229	10 306	35 883

During 2003, action was taken to extend the register to include studies carried out on behalf of the Commission by outside experts. These studies have been accessible to the public since March 2004. The register includes the studies carried out since 2001.

⁷ COM(2003) 622 final.

⁸ COM(2004) 45 final.

2.1.2. *Directly accessible documents*

During its initial phase, the register provided access only to final documents from the COM series through a link to the Eur-Lex website managed by the EU's Publications Office.

Agendas and minutes are accessible in their entirety. However, it was not possible to make the other document series directly accessible because the register did not have a document index. An index of this kind is now in place and will give users direct access to a large number of documents from the C series and to a significant number of documents from the SEC series. All the documents indexed in the register will be made directly accessible as soon as they have been disclosed following a request for access.

2.1.3. *Sensitive documents not included in the register*

Under Article 9 of the Regulation, "sensitive"⁹ documents must be treated in a specific way. Paragraph 3 of this Article stipulates that sensitive documents are recorded in the register only with the consent of the originator.

In accordance with this provision, 25 documents classified as "*Confidentiel UE*" [EU confidential] from the "C" series of documents are not mentioned in the register. The Commission does not keep other sensitive documents which are covered by the register.

2.2. **Creation of a register concerning the work of the committees**

In addition to the register of internal documents mentioned in point 2.1, which covers the Commission's legislative activity, a new register has been created in order to inform the public about the work of the committees which assist the Commission in exercising its implementing powers ("comitology").

This new register, which was opened to the public in December 2003, identifies the documents associated with the work of the committees involved in the "comitology" process which have been forwarded to the European Parliament pursuant to Article 7 of the Decision of 28 June laying down the procedures for the exercise of implementing powers conferred on the Commission ("comitology" decision)¹⁰.

⁹ "Documents originating from the institutions or the agencies established by them, from Member States, third countries or International Organisations, classified as 'TRÈS SECRET/TOP SECRET', 'SECRET' or 'CONFIDENTIEL' in accordance with the rules of the institution concerned, which protect essential interests of the European Union or of one or more of its Member States in the areas covered by Article 4(1)(a), notably public security, defence and military matters." (Article 9(1)).

¹⁰ Decision 1999/468/CE, OJ L 184, 17.7.1999, p. 23.

This register generally contains the following types of documents:

- agendas of committee meetings;
- draft implementing measures;
- summary minutes of meetings;
- results of votes on opinions delivered by the committees.

The register is accompanied by a document index which gives users direct access to the complete text of certain documents.

2.3. The "access to documents" site on the Internet

The Commission has created a specific website for the public called "Openness and access to documents" on the EUROPA server. The site covers the following:

- a guide, available in the 11 official languages (before enlargement), explaining how members of the public can exercise their right of access and obtain documents which are publicly accessible;
- a screen giving access to three registers (internal and preparatory documents, comitology, correspondence of the President of the Commission), and other sources of information (such as the Pre-Lex and Celex databases, the Official Journal online, press releases, the Bulletin and the General Report on the Activities of the EU);
- the text, in the 11 official languages, of the Regulation and the implementing rules;
- links to judgments of the Court of Justice and the Court of First Instance concerning transparency;
- links to the sites of the European Parliament and the Council;
- information on national legislation concerning transparency.

In the course of 2003, the site attracted a total of 384 087 visitors, i.e. an average of more than 30 000 a month and almost 1 500 a day.

3. INTERINSTITUTIONAL COOPERATION

3.1. Work of the interinstitutional committee

This committee, which was set up pursuant to Article 15(2) of Regulation 1049/2001, met on 23 September 2003 in Strasbourg. Present at the meeting were Charlotte Cederschiöld, Vice-President of the European Parliament, Roberto Antonione, Acting President of the Council and Loyola de Palacio, Vice-President of the Commission.

During this meeting, the interinstitutional committee took the following steps:

- noted the results of the analysis of the compliance of the confidentiality clauses in secondary Community legislation with Regulation 1049/2001 — an analysis carried out by the Commission pursuant to Article 18(3) of the Regulation¹¹;
- adopted the proposals of the Secretary-General of the Council with a view to strengthening cooperation between the institutions concerning document management and archiving;
- carried out an evaluation of the public hearing concerning the implementation of Regulation 1049/2001, held on 12 June 2003 at the European Parliament;
- held a discussion on the report concerning the implementation of the principles of Regulation 1049/2001, which the Commission was required to submit pursuant to Article 17(2) of the Regulation¹².

3.2. Administrative cooperation between the institutions

In order to put into practice the guidelines set out by the interinstitutional committee, the departments responsible for implementing Regulation 1049/2001 within the Secretariats-General of the European Parliament, the Council and the Commission stepped up the exchange of information and experience. These regular contacts make it possible to identify best practice and apply the Regulation consistently. The "Memorandum of Understanding" signed in Strasbourg on 9 July 2002 has resulted in regular consultations between the three institutions.

4. HANDLING OF REQUESTS FOR ACCESS

4.1. Volume of requests

2002 saw the volume of requests double compared to the previous three years. It would appear that the volume of requests rose significantly because Regulation 1049/2001 had been implemented and become widely known and because the public register was opened on 3 June 2002.

The second year in which the Regulation was in force was marked by a similar increase in absolute figures:

- the number of initial requests rose from 991 to 1 523, i.e. an increase of 532 or 53.7%;
- 143 confirmatory requests were submitted compared to 96 in 2002, i.e. an increase of 47 or 49%.

The 1 523 initial requests resulted in 2 931 documents being examined (compared to 2 150 in 2002). Some of the requests are very extensive or non-specific, particularly when a requester asks for "all documents concerning" a particular field of activity or specific subject or when requests relate to entire case files (such as in the case of State aid or competition). In cases like these, the departments concerned asked

¹¹ See the 2002 report, COM(2003) 216 final, part A, point 1.5.

¹² This report was adopted on 30 January 2004 and published as COM(2004) 45 final.

requesters to make their requests more specific or restrict their scope so that they could be dealt with properly.

4.2. Areas of major interest

As regards areas which have generated the most interest, the trends observed in 2002 have also been reinforced: most requests concern competition policy, customs issues and indirect taxation, the internal market and environmental policy. More than half of the requests for access relate to one of these four areas or to general documents managed by the Secretariat-General, such as the minutes of preparatory meetings for decisions taken by the Commission or correspondence received or sent by the President.

The increase in the volume of demand has not had an impact on the relative importance of the various areas of activity. However, there has been a significant increase in public interest in external trade and regional policy.

4.3. Professional profile and geographical origin of requesters

The distribution of requests according to the socio-professional categories to which requesters belong has not changed significantly. Almost a quarter of requests are received from various interest groups, and one fifth from law firms. Students and researchers still account for around 10% of requests, and the percentage of requests from people whose socio-professional profile is not indicated remains at around 30%. This latter category includes a large number of requests sent by e-mail, where only the requester's name can be identified. The proportion of requests submitted by journalists remains low (around 3%).

A quarter of requests come from individuals and organisations based in Belgium. The fact that they account for such a high proportion of requests is due to the fact that a large number of multinational companies, international law firms, associations and NGOs operating at European level have their headquarters in Brussels. Otherwise, the majority of requests come from the following countries: Germany (12%), Italy (8.8%), the United Kingdom (7.9%), France (7.8%), the Netherlands (6.3%) and Spain (5.25%). Half of all requests come from these six countries. The geographical origin of 12.61% of the requests cannot be identified. This is due to the number of requests sent by e-mail from addresses which cannot be identified as coming from a particular country.

4.4. Rate of positive replies

4.4.1. Initial requests

The percentage of positive replies sent out during the initial request stage has risen slightly since 2002 from 66.5% to 69.31%. In 66.83% of cases, the entire document was disclosed, and in 2.48% of cases requesters were granted partial access to the documents concerned.

It should also be noted that, in approximately 3% of cases, the request related to a document which did not exist. A similar number of requests concerned documents which had already been or were in the process of being published. In these cases, the requester was informed as to how he could access the documents concerned.

4.4.2. *Confirmatory requests*

The rate of positive replies at the confirmatory request stage has increased by around 5%. The percentage of confirmations of the initial decision has gone from 66.9% to 61.57%. Conversely, the re-examination of requests resulted in a positive decision in 30.13% of cases (compared to 23.9% in 2002). The percentage of requests for which partial access was granted after initially being refused remains at around 9%.

The number of confirmatory requests has risen by the same proportion as the volume of initial requests, i.e. by around 50%, and the percentage of positive replies to initial requests has remained stable. As a result, the proportion of cases in which access was initially refused which gave rise to a confirmatory request has also remained at the same level as in 2002, i.e. approximately one third.

Following completion of the process for handling requests, the rate of positive replies stands at 72.82% (compared to 70.7% in 2002); in 69.5% of cases, the entire document was disclosed, and in 3.32% of cases requesters were granted partial access.

4.5. **Reasons for refusal**

4.5.1. *At the initial stage*

The main reason for the refusal of requests is still the desire to protect the objectives of inspections, investigations and audits (third indent of Article 4(2)). The percentage of refusals based on this exception has risen slightly to 36.92% (compared to 35.9% in 2002). In most cases, the refusals relate to requests for access to letters of formal notice, reasoned opinions or other documents relating to ongoing infringement procedures.

The second reason for refusal concerns protection of the Commission's decision-making process (Article 4(3)). This exception was invoked in 11.81% of cases in which access was refused (compared to 8.6% in 2002).

There has been a sharp rise in the number of requests refused because of the need to protect:

- the public interest as regards international relations (from 1.8% to 5.27%);
- commercial interests (from 3.7% to 8.44%) and
- court proceedings and legal advice (from 3.7% to 9.07%).

Finally, the number of cases in which access to documents from the Member States was refused following opposition from them has also risen significantly, while remaining low (from 2.1% to 5.8%).

5. COMPLAINTS SUBMITTED TO THE EUROPEAN OMBUDSMAN

5.1. Complaints which have been closed¹³

The Ombudsman closed the two complaints submitted in 2002 which were still pending at the end of 2002, as well as five of the fifteen complaints submitted in 2003.

5.1.1. Complaint 1437/2002/IJH of 31.7.2002

The complainant, a private investor in the Lloyd's insurance scheme, wanted to obtain a copy of the letter of formal notice sent by the Commission to the authorities in the United Kingdom. The Commission refused to disclose the document because it wanted to protect its investigation into the Lloyd's case, which was particularly complex and sensitive.

The Ombudsman took the view that the Commission was entitled to refuse access to the document on the basis of the exception provided for in the third indent of Article 4(2) of the Regulation, in the light of the case law derived from the "Petrie" case, in order to avoid jeopardising the climate of confidence essential to finding an amicable solution¹⁴. He was also of the opinion that, given the circumstances, the public interest in disclosing a document was not of paramount importance. He closed the case, noting that there had been no maladministration in this case.

5.1.2. Complaint 1753/2002/GG of 7.10.2002

The complainant contested the refusal to send him documents which came from a Member State. After being consulted by the Commission, the national authorities indicated that they were opposed to the disclosure of these documents. The Commission therefore refused access to them pursuant to Article 4(5) of Regulation 1049/2001.

The Ombudsman took the view that the Commission had acted correctly, in view of the judgment of the Court of First Instance in case T-76/02¹⁵.

The Ombudsman nevertheless observed that the provisions on the implementation of the Regulation adopted by the Commission were not specific enough. He referred, in particular, to Article 5(3) and (4) of the Regulation. The Ombudsman took the view that the wording of these provisions and the structure of the Article did not correctly reflect the need for systematic consultation of the Member States. In comments annexed to the decision, he said that the Commission should review these provisions. The Commission has taken note of the comments and plans to revise the provisions when the implementing rules are next amended.

¹³ The decisions of the Ombudsman are accessible on the website:

<http://www.euro-ombudsman.eu.int/decision/en/default.htm>

¹⁴ Judgment in case T-191/99, *Petrie et al v Commission*, European Court Reports 2001, p. II-3677.

¹⁵ See point 6.1 below.

5.1.3. *Complaint 412/2003/GG of 24.2.2003*

The complainant, a university researcher, wanted to obtain an opinion from the Legal Service concerning the relationship between the EC Treaty and the Euratom Treaty as regards State aid. The Commission refused access on the basis of the exception set out in the second indent of Article 4(2) (protection of legal advice).

With regard to another complaint concerning the accessibility of legal advice, the Ombudsman took the view that a distinction should be made between, on the one hand, advice given in the context of legislative activity, which should in principle be made available once the decision-making process has been completed and, on the other, advice relating to a litigation procedure¹⁶.

In the present case, the Ombudsman came to the conclusion that the advice was not given during the drawing up of a legislative act and that the Commission was entitled not to disclose it. He also held that the scientific interest invoked by the complainant did not in itself constitute overriding public interest in disclosure.

5.1.4. *Complaint 415/2003(IJH)TN of 25.2.2003*

Submitted on behalf of an NGO, this complaint concerned the Commission's refusal to disclose documents relating to possible future negotiations on a multilateral investment framework within the World Trade Organisation (WTO). The Commission interpreted this as relating to the seven questions mentioned in paragraph 22 of the Doha ministerial declaration. In so far as the documents which the Commission sent to the WTO are accessible on the Internet, the Commission refused to disclose the preparatory documents in order to avoid undermining its position in any future negotiations. The reason given was the need to protect the public interest as regards international relations (third indent of Article 4(1)(a) of Regulation 1049/2001).

The complainant argued that the Commission had unjustifiably reduced the scope of his request and that the exception invoked could not apply to the case in question.

Noting that the wording of the request for access was fairly general, the Ombudsman proposed that the Commission should help the complainant to draw up a more specific request by providing him with a complete list of all the documents concerning the issue of multilateral investment. The Commission enlarged the scope of the search and gave the Ombudsman a complete list of the documents concerned. As the Commission accepted the amicable solution proposed by the Ombudsman, the Ombudsman closed the file.

5.1.5. *Complaint 790/2003/GG of 17.4.2003*

The complainant, a journalist, wanted access to a study on compliance with the provisions of the "Television without Frontiers" Directive by German television channels. After initially refusing the request, the Commission granted partial access to the study. In accordance with the exception on the protection of investigations (third paragraph of Article 4(2)), the study was amended by removing those parts

¹⁶ Special report to the EP of 12.12.2002 following a draft recommendation to the Council concerning complaint 1542/2000/(PB)SM.

which related to possible infringements of the Directive. The complainant insisted that the entire study be disclosed.

The Ombudsman took the view that the study was commissioned as part of an investigation into possible infringements of the "Television without Frontiers" Directive and that access could therefore be refused on the basis of the "Petrie" case law.

5.1.6. Complaint 900/2003/(IJH)TN of 13.5.2003

The complaint came from a law firm acting on behalf of a chemical group. It concerned the refusal to disclose a draft document drawn up by the EFTA Secretariat prior to a decision taken by the EEA Joint Committee.

The complainant first of all objected to the fact that the Commission considered the document to come from a third party and therefore consulted the EFTA Secretariat. Pointing out that the EFTA Secretariat based its opposition to disclosure on the fact that the negotiations were still under way, the complainant went on to argue that this was not a justifiable reason for refusing to disclose the document on the basis of the exception relating to the protection of international relations (third indent of Article 4(1)(a) of Regulation 1049/2001). The complainant finally invoked his client's right to assert his interests during the decision-making process in question.

In the case of each of the grievances expressed by the complainant, the Ombudsman concluded that maladministration by the Commission had not taken place.

5.1.7. Complaint 2183/2003/(TN)IJH of 13.12.2003

The complaint came from an environmental NGO and concerned the fact that a reply to a request had not been received by the stipulated deadline. However, the complaint was lodged directly without a confirmatory request being submitted. Moreover, the reply and the complaint crossed paths. As the Commission acknowledged that there was a slight delay in the handling of the request, the Ombudsman closed the file and noted that maladministration had not taken place in this case.

5.2. Complaints pending at the end of 2003

Ten complaints submitted in 2003 are still pending.

In three cases, the complainant has requested access to the complete version of an audit report to which partial access has been granted.

The other cases relate to the following:

- (1) access to documents originating in the Member States and access to a legal opinion;
- (2) communications with a Member State concerning an infringement procedure;
- (3) access to the complete file concerning an invitation to tender, certain parts of which have been sent to the complainant;
- (4) access to all the documents relating to international negotiations under way;

- (5) access to an entire file relating to external aid;
- (6) the fact that the documents requested were not made available before the deadline set out in the Regulation;
- (7) failure to comply with the Code of Good Administrative Behaviour in the handling of a request for access and the allegedly unauthorised disclosure of the complainant's identity in the letter by which the Commission consulted the national authorities.

6. JUDICIAL PROCEDURES

6.1. Judgments rendered in 2003

A single judgment concerning the application of Regulation 1049/2001 was rendered in 2003. This was a judgment of the Court of First Instance of 17 September 2003 in case T-76/02, *Mara Messina v Commission*. Initially, the case related to the Commission's refusal to send the requester the correspondence exchanged between the Commission and the Italian authorities concerning a State aid scheme.

During the proceedings before the Court, the Commission decided to disclose the correspondence which it had sent to the Italian authorities and to consult them about the possibility of disclosing the letters which they had sent to the Commission in connection with the investigations into this aid. After the Italian authorities expressed their opposition to this, the Commission continued to refuse to disclose the letters from the Italian authorities, invoking Article 4(5) of the Regulation.

The Tribunal rejected the appeal and confirmed that the Commission was entitled to refuse access to the documents sent by the Italian authorities in connection with the investigations into this aid, since these authorities had expressed their opposition to disclosure.

6.2. Other appeals lodged in 2002

The four other appeals lodged in 2002 are still pending. Information concerning the subject of the dispute is set out in the Commission's 2002 report¹⁷.

6.3. New appeals lodged in 2003

Case T-2/03, *Verein für Konsumenteninformation (VKI) v/ Commission*¹⁸ is described in the 2002 report (part B, point 4.1).

- T-170/03 *British American Tobacco (Investments) Limited v/ Commission*; OJ C 171/39 19/7/2003
- T-187/03 *Isabella Scippacercola v/ Commission* ; OJ C 200/25, 23/8/2003
- T-391/03 *Yves FRANCHET and Daniel BYK v/ Commission* ; OJ C 21/46, 24/1/2004

¹⁷ COM(2003) 216 final, part B, point 4.1.

¹⁸ OJ C 55, 8.3.2003, p. 37.

Seven cases relate to the same matter as the case *Messina v Commission*, mentioned in point 6.1:

- T-139/03 *Nuova Agricast srl v/ Commission and T-151/03 NUOVA AGRICAST srl c/ Commission*; OJ C 146/43, 21/6/2003 and OJ C 146/45, 21/6/2003
- T-287/03, *SIMSA v/ Commission* ; OJ C 239/26, 4/10/2003
- T-295/03, *Poli Sud v/ Commission* ; OJ C 264/34, 1/11/2003
- T-297/03, *Tomasetto Achille SAS di Tomasetto Andrea & C. v/ Commission* ; OJ C 264/34, 1/11/2003
- T-298/03, *Lavorazione cuoio e pelle BieffeSrl v/ Commission* ; OJ C 264/35, 1/11/2003
- T-299/03 *Nuova FA.U.DI Srl v/ Commission*, OJ C 264/35, 1/11/2003
- Case T-296/03 *PROTECO SRL v/ Commission* has been removed following the withdrawal of the application (see JO C 264/34, 1/11/2003; removal OJ C 71/44, 20/3/2004).

In addition, the Commission intervened in support of the Council's conclusions in the case T-84/03 *Maurizio Turco v. Council*, OJ C 112/38, 10/5/2003.

ANNEX

Statistics concerning the handling of requests for access

INITIAL REQUESTS

1. Number of initial requests

2002	2003
991	1 523

2. Number of identifiable documents taken into consideration

2002	2003
2 150	2 936

3. Number of initial requests for which partial access was granted

2002	2003
44	64

4. Percentage rate of positive replies during the initial stage

	2002	2003
Complete access:		66.83%
Partial access:		2.48%
Total:	66.5%	69.31%

CONFIRMATORY REQUESTS

5. Number of confirmatory requests

2002	2003
96	143

6. Breakdown of decisions on confirmatory requests (%)

	2002	2003
Confirmation of the initial decision:	66.9%	61.57%
Partial revision:	9.2%	8.29%
Complete revision:	23.9%	30.13%

7. Rate of positive replies for the procedure as a whole

	2002	2003
Complete access:	62.4%	69.5%
Partial access:	8.3%	3.32%
Total:	70.7%	72.82%

BREAKDOWN OF REQUESTS

8. According to professional profile of requesters (%)

	2002	2003
Members of the public whose professional profile was not indicated:	31.8%	30.16%
Civil society (interest groups, industry, NGOs, etc.):	17.8%	23.48%
Lawyers:	22.4%	20.46%
Academia:	12.3%	11.15%
Other institutions:	3.1%	6.16%
Public authorities (other than the EU institutions):	8.6%	5.57%
Journalists:	3.8%	3.02%

9. According to geographical origin (%)

	2002	2003
Belgium:	23%	25.05%
Geographical origin unknown:	12.3%	12.59%
Germany:	10.9%	12%
Italy:	9.6%	8.85%
United Kingdom:	8.8%	7.87%
France:	10.3%	7.80%
Netherlands:	6.4%	6.30%
Spain:	5.4%	5.25%
Denmark:	1.6%	2.36%
Greece:	1.2%	1.97%
Ireland:	2%	1.38%
Sweden:	1.3%	1.18%
Luxembourg:	0.4%	1.11%
Austria:	2.1%	0.98%
Portugal:	1.2%	0.59%
Finland:	0.5%	0.59%
European countries outside the EU:	1.7%	-
Candidate countries:	-	2.14%
European countries outside the EU and candidate countries:	-	0.93%
Non-European countries:	1.3%	0.99%

10. According to areas of interest (%)

	2002	2003
Competition	12.7%	13.7%
Taxation and customs union	10.6%	10.82%
Secretariat-General	15.9%	10.62%
Internal market	10.3%	8.79%
Environment	6.2%	7.41%
Agriculture	4.8%	4.59%
Health and consumer protection	4.4%	4%
Transport and energy	2.9%	3.54%
Employment and social affairs	3.2%	3.48%
Enterprise policy	3.9%	3.08%
Budget and financial control	2.9%	2.82%
Justice and home affairs	2.2%	2.3%
Legal questions	3%	2.3%
Fraud prevention	2.4%	2.23%
Administration and personnel	3.2%	3.21%
External aid and development	0.9%	2.56%
External relations	2.1%	2.16%
Regional policy	0.8%	2.16%
External trade	1.1%	2.03%
Research and technology	1.7%	1.97%
Economic and financial affairs	1.1%	1.57%
Enlargement of the EU	1%	1.25%
Education and culture	0.5%	1.18%
Press and communication	0.8%	1.05%
Fisheries	0.6%	0.72%

Statistics	0.1%	0.39%
Official publications	-	0.07%
Interpreting and translation	0.8%	-

BREAKDOWN OF REFUSALS OF ACCESS ACCORDING TO THE EXCEPTION APPLIED

11. Initial requests (%)

	2002	2003
Public security:	-	0.21%
Defence and military matters:	0.46%	0.31%
International relations:	1.8%	5.33%
Financial, monetary or economic policy:	0.46%	1.05%
Personal data:	5.2%	4.39%
Commercial interests:	3.7%	8.89%
Court proceedings and legal advice:	3.7%	9%
Inspections, investigations and audits:	35.9%	37.55%
Protection of the decision-making process:	8.6%	11.82%
Confidentiality requested by the Member State from which the document originates:	2.1%	5.96%
No reply or insufficient cause:	19.6%	6.07%
Application of several exceptions (see note below)	18.4%	Not applicable

Note: In the table relating to 2002, the cases in which several exceptions were applied are not included in the breakdown according to the exception applied; in the table for 2003, all the exceptions are identified.

12. Confirmatory requests (%)

	2002	2003
Public security:	-	-
Defence and military matters:	-	-
International relations:	7.2%	7.76%
Financial, monetary or economic policy:	-	-
Personal data:	0.6%	6.85%
Commercial interests:	3.3%	11.87%
Court proceedings and legal advice:	4.4%	14.61%
Inspections, investigations and audits:	29.4%	30.14%
Protection of the decision-making process:	1.6%	3.65%
		14.61%
Confidentiality requested by the Member State from which the document originates:	4.4%	10.5%
Application of several exceptions (see note above):	48.9%	Not applicable