



Public Access to Documents 2016

European Parliament's
Annual Report

FOREWORD

The Parliament, the Council and the Commission have been applying Regulation (EC) No 1049/2001 on public access to documents in their possession since 3 December 2001.

In accordance with Article 17(1) of this Regulation: *"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"*.

According to Rule 116(6) of Parliament's Rules of Procedure, Parliament's Bureau shall adopt the annual report referred to in Article 17(1) of Regulation (EC) No 1049/2001.

ON METHODOLOGY

The European Parliament's 2016 annual report is prepared along the following methodology:

- Figures on consulted and requested documents refer to specified documents only.
- Applications for very large or indefinite numbers of documents, which the institution was unable to identify, are not reflected in the statistics on requested documents.
- Figures on applications for access to documents take account of both types of applications, for specified documents and for indefinite number of documents.
- Partial access decisions are counted as a positive responses.
- Confirmatory applications may relate either to a refusal or a partial access initial decisions.
- The year of a confirmatory application is determined by the registration day of the corresponding initial application.

INDEX

<i>Executive Summary</i>	4
<i>CHAPTER I Implementation of Regulation (EC) No 1049/2001 in 2016</i>	5
A) Content of the public register of Parliament's documents	5
B) Figures on consulted and requested documents	6
B.1) <i>Directly consulted documents</i>	6
B.2) <i>Documents requested via the online application form or by e-mail</i>	7
C) Figures on applications	8
D) Applicants' profiles	11
<i>CHAPTER II Trends and specific issues</i>	13
A) The financing of European political parties and foundations	13
B) Request for access to documents related to Members' expenditure and allowances claims	15
C) Applications for indefinite number of documents	16
<i>CHAPTER III European Ombudsman decisions and Case law</i> ..	19
1. Ombudsman's decision to close complaint 1189/2016/JN	19
2. Judicial Review	19
<i>Final Remarks</i>	20

European Parliament's Annual Report on Public Access to Documents - 2016 (Article 17 of Regulation (EC) No 1049/2001)

Executive Summary

Figures

- The number of document references in the public register continued to grow. By 31 December 2016, the register's database contained 647 903 references, compared with 606 256 by the end of last year.
- In 2016, the users of Parliament's public register website consulted 118 980 documents directly through the register. More than one million documents were accessed via other platforms. During the same period, Parliament received, via the online application form or by e-mail, 499 applications involving 802 specified documents, an increase of 7% compared to 2015.
- Out of the 499 applications, 136 involved documents not previously disclosed to the public.
- The overall positive response rate exceeded 95% in 2016.
- Parliament denied access in 23 cases, mainly in connection with applications for documents related to Members.

Trends

- In 2016 figures for applications for a very large or indefinite number of documents (applications made for "*all documents related to*" a particular subject, "*all documents containing information on*" a particular theme, or for documents covering a certain period of time, etc.) rose by 31%, compared to the previous year. It is a significant increase but not as dramatic as between 2014 and 2015, where the figures increased threefold.
- As for the trends, the year 2016 saw a particular interest of applicants in documents relating to the financing of the European political parties, Members' expenditure and allowances, as well as the activities of UK Members around the time of the referendum on the United Kingdom's membership of the European Union. Public interest in documents concerning early agreement negotiations in the context of the legislative procedure remained high.
- With three confirmatory applications in the course of the year, the confirmatory application rate remained relatively low.

CHAPTER I

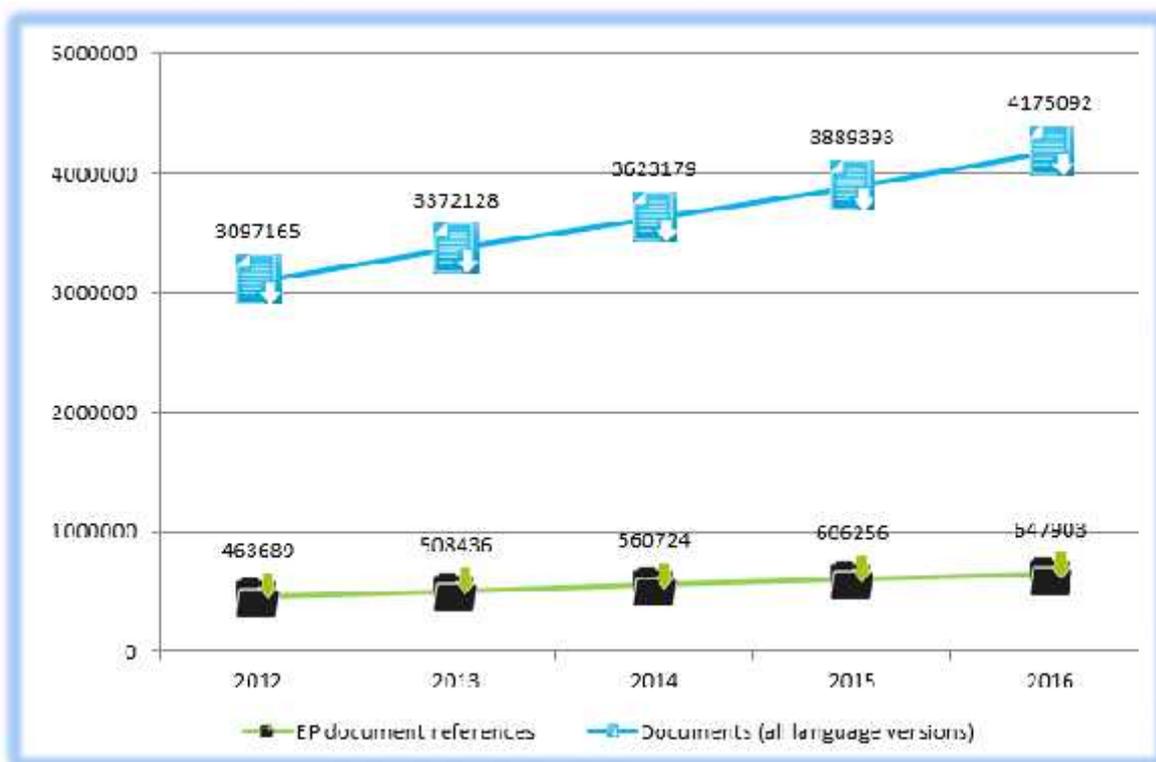
Implementation of Regulation (EC) No 1049/2001 in 2016

A) Content of the public register of Parliament's documents

The public register of Parliament's documents was set up in 2002 with a view to further increasing transparency and making it easier for the public to access the Institution's documents, in accordance with Regulation (EC) No 1049/2001. The register gathers mostly references to legislative documents. However, where possible, other categories of documents are also made directly available.

The number of document references has grown every year. With a 7% increase on a year earlier, by 31 December 2016, the number of document references in the register's database had reached 647 903 (representing 4 175 092 documents in all, taking the several language versions into account). No sensitive document, within the meaning of Article 9 of Regulation (EC) No 1049/2001, was recorded in the public register.

(Fig. 1) **Evolution of the public register of Parliament's documents**



B) Figures on consulted and requested documents¹

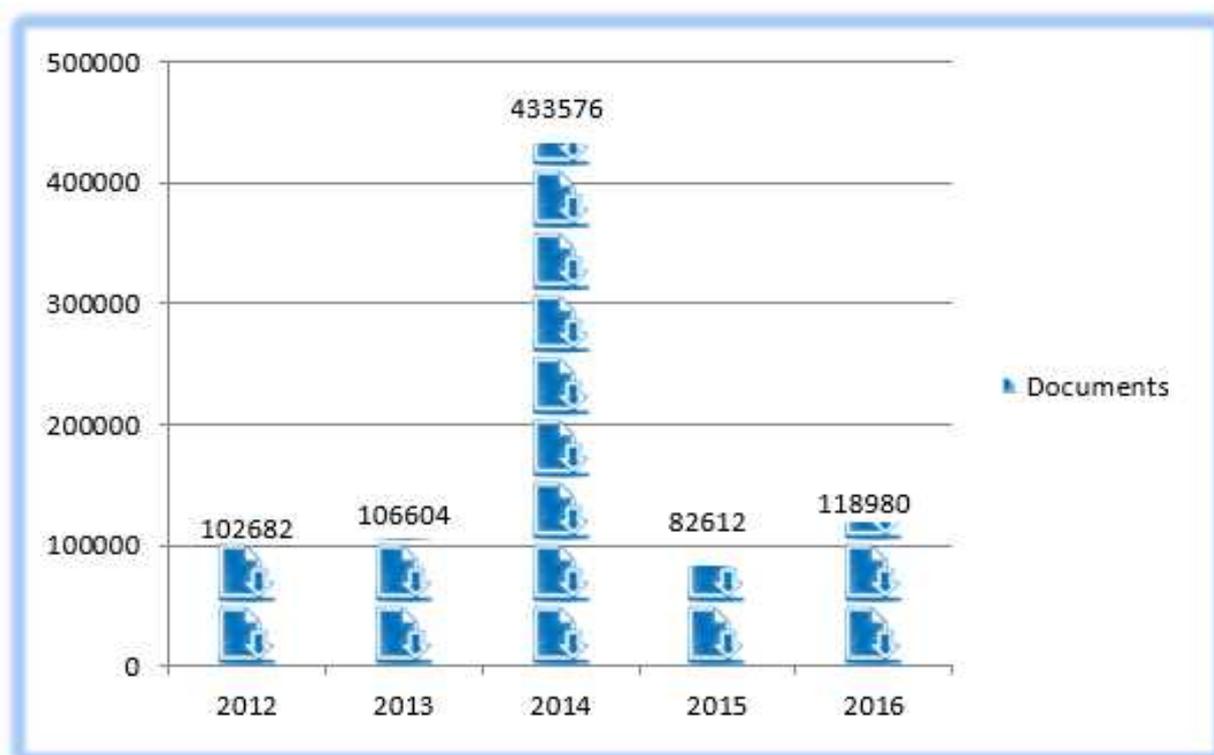
In line with Article 12 of Regulation (EC) No 1049/2001, which provides that the institutions shall make their documents directly accessible as much as possible, about 95% of the documents in the public register of Parliament's documents can be directly downloaded via the website². Those that cannot be consulted directly can be made available upon request via the online application form³ or by e-mail.

B.1) Directly consulted documents

In 2016, 118 980 documents were consulted directly on Parliament's public register website. That figure does not take into account the consultations that took place via other platforms linked to the register's database, including the parliamentary committees and Parliament's Think Tank webpages.

The types of documents most frequently consulted on Parliament's public register website were (in descending order): questions for written answer (22.4%), answers to questions (20.9%), adopted texts (6.2%), documents received from the European Commission (2.4%).

(Fig. 2) **Number of documents consulted on the public register of documents website**



¹ These figures refer to specified documents only

² <http://www.europarl.europa.eu/RegistreWeb/search/simpleSearchHome.htm?language=EN>

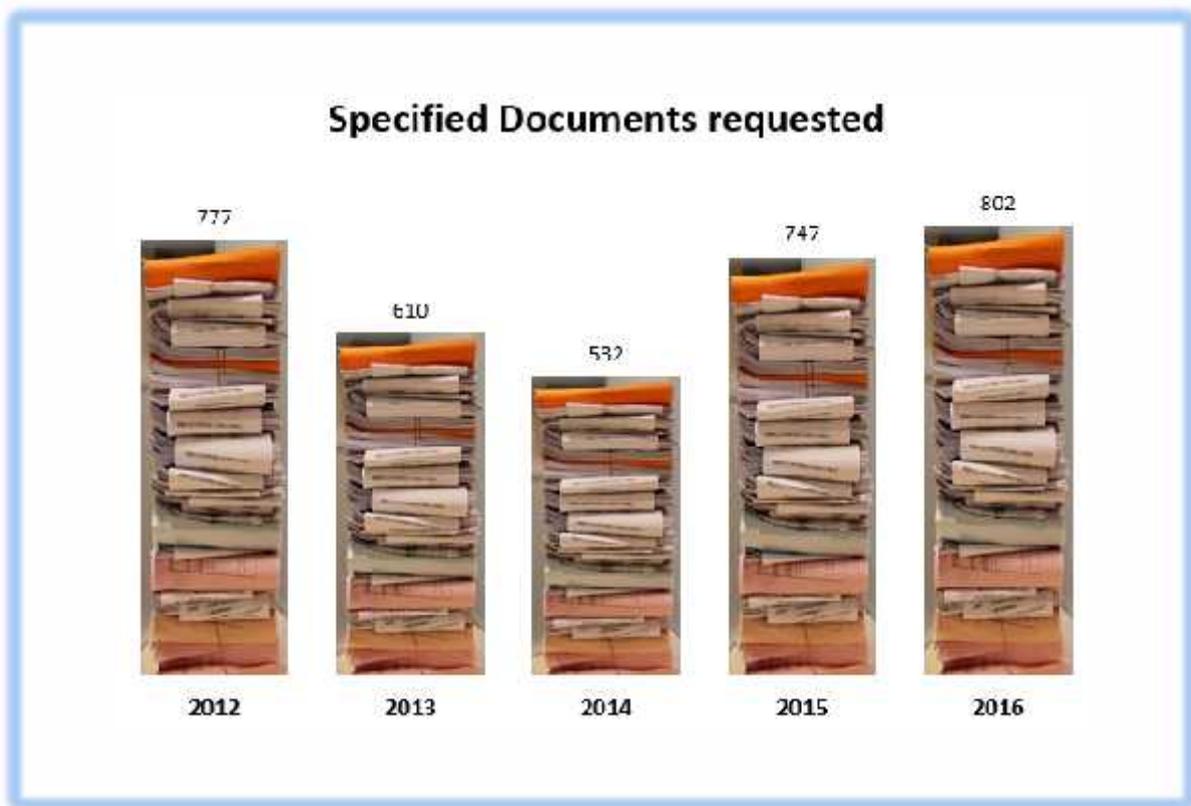
³ <https://www.secure.europarl.europa.eu/RegistreWeb/requestdoc/secured/form.htm?language=EN>

B.2) Documents requested via the online application form or by e-mail

In 2016, 802 specified documents were requested to Parliament via the online application form or by e-mail. It represents an increase of 7% compared to the amount of specified documents requested the previous year.

As in previous years, the figure does not take account of the applications for access to an indefinite number of documents, like the requests for access to "all documents related to" a particular subject, "all documents containing information on" a particular theme, etc. The documents concerned by such applications cannot be quantified for statistical purposes.

(Fig. 3) **Number of specified documents requested via the online application form or by e-mail**



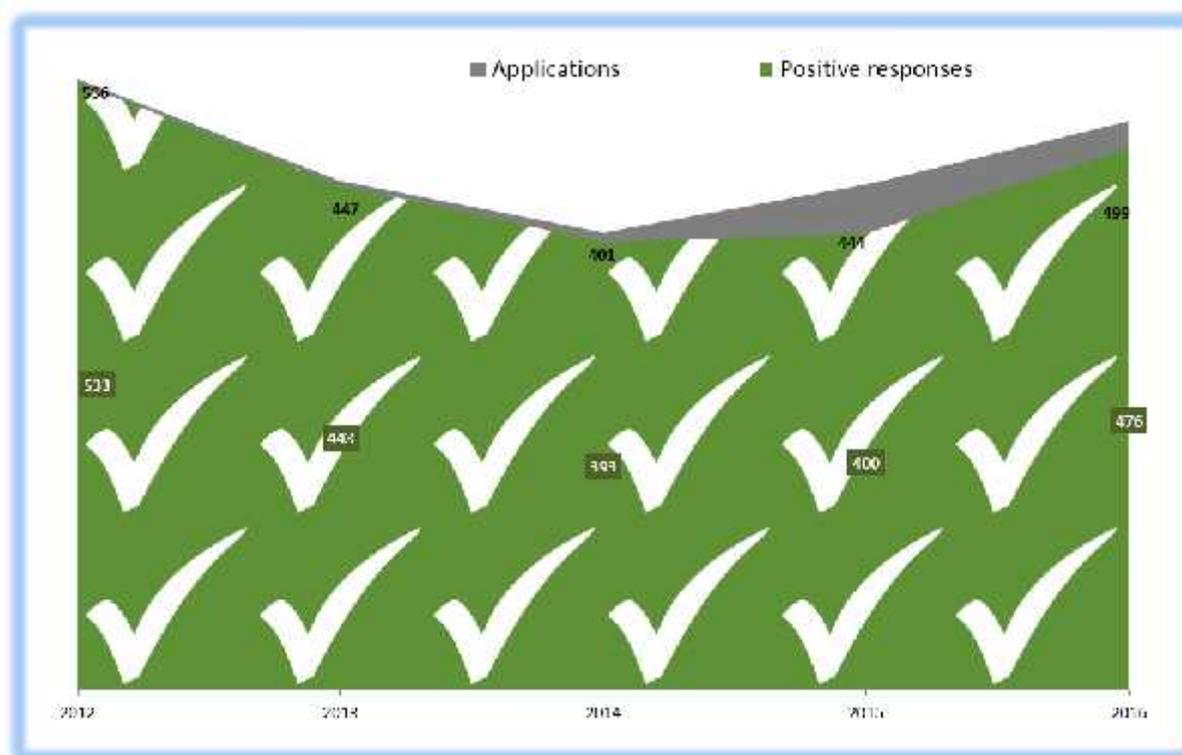
C) Figures on applications

Parliament received 499 applications via the online application form or by e-mail in 2016. 345 of those concerned specified documents, while 147 concerned indefinite numbers of documents and seven concerned inter-institutional consultations under the "Memorandum of Understanding"⁴.

It is worth underlining that the amount of applications for an indefinite number of documents has increased by 31% on the year 2015. Almost 30% of all applications received in 2016 requested access to either "all documents related to" a particular subject or "all documents containing information on" a particular theme.

Out of the 499 applications received in 2016, Parliament responded positively in 476 instances, granting partial access to the requested documents in eight cases.

(Fig. 4) **Number of applications and positive replies**



Furthermore, out of the 499 applications received in 2016, 136 requests involved documents not previously disclosed to the public.

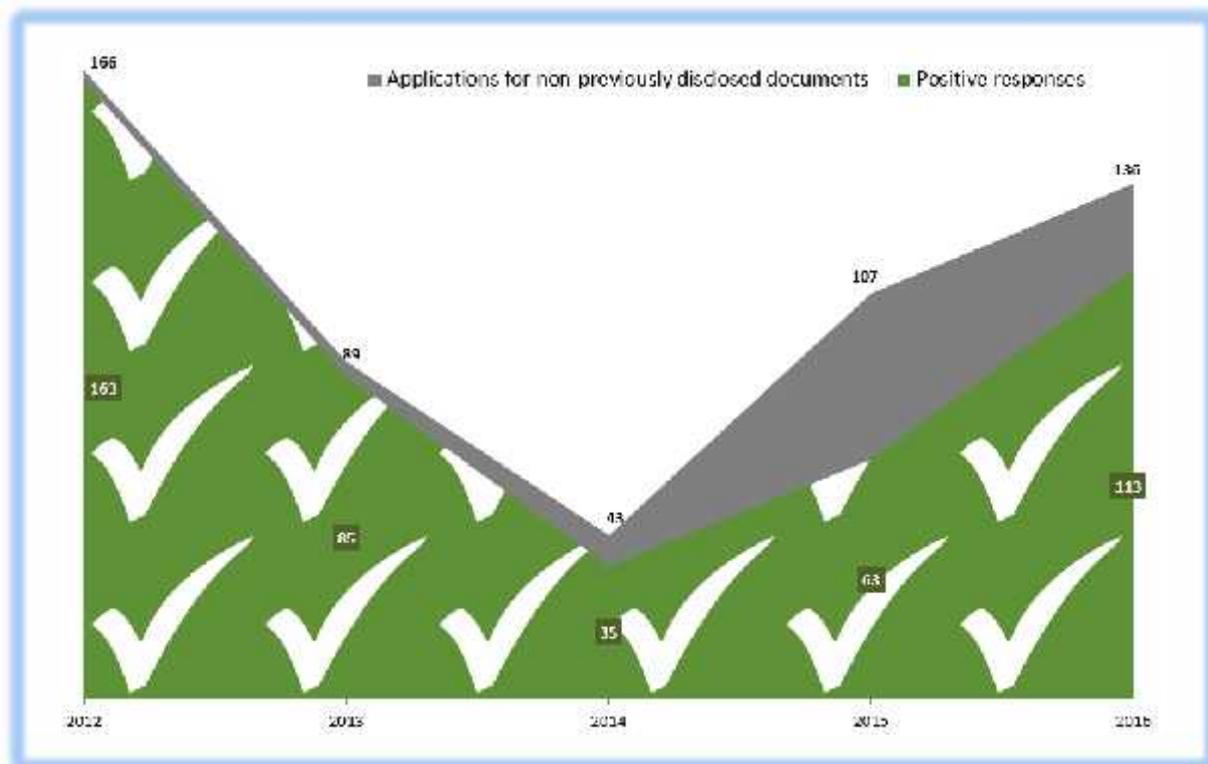
Most applications for not previously disclosed documents concerned the financing of European political parties and political groups in Parliament (20%), Members'

⁴ Memorandum of Understanding, signed on 9 July 2002, between the services of the European Parliament, the Council and the Commission on the application of Article 4(4) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents

documents (18%), political bodies (17%), Parliament's administration and public procurement (16%), legal opinions (6%) and trilogue documents (5%).

In 2016, Parliament responded positively 113 times out of the 136 applications for documents not previously disclosed.

(Fig. 5) **Number of applications for not previously disclosed documents and positive replies**



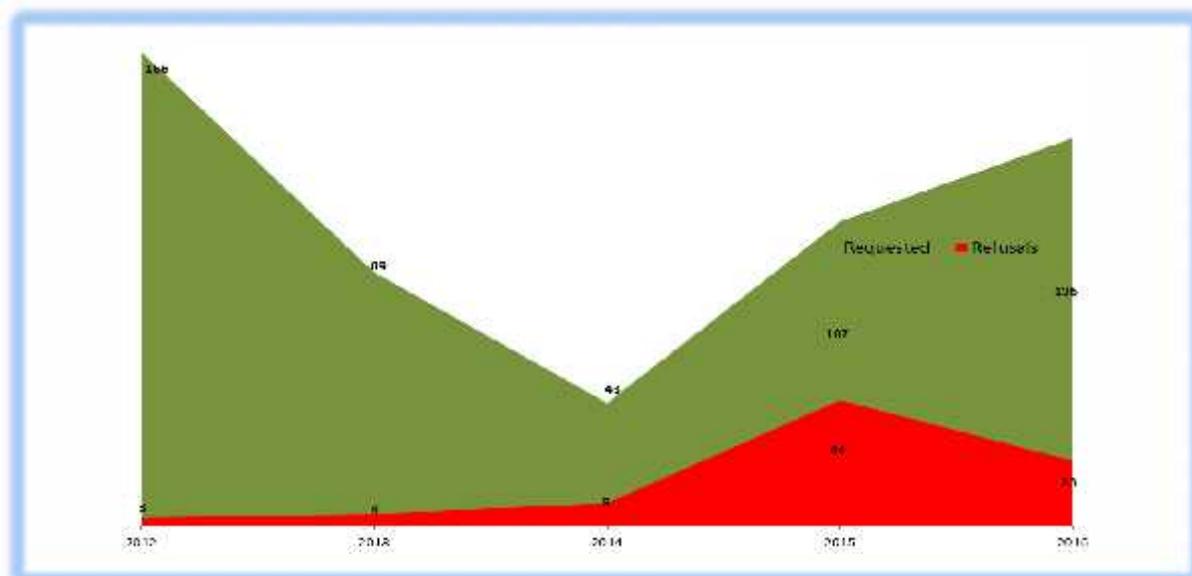
In 2016, Parliament denied public access to documents in 23 cases by means of a decision by the competent authority.

Three confirmatory applications⁵ were tabled following refusals at the initial stage. In the three cases, Parliament confirmed its initial position.

12 of the 23 refusals concerned documents related to Members; four refusals were related to the financing of political parties and the others concerned respectively a pending court case on trilogues, procurement issues (two cases), Parliament's IT security (two cases), a legal opinion from the Legal Service and a Commission document held by Parliament.

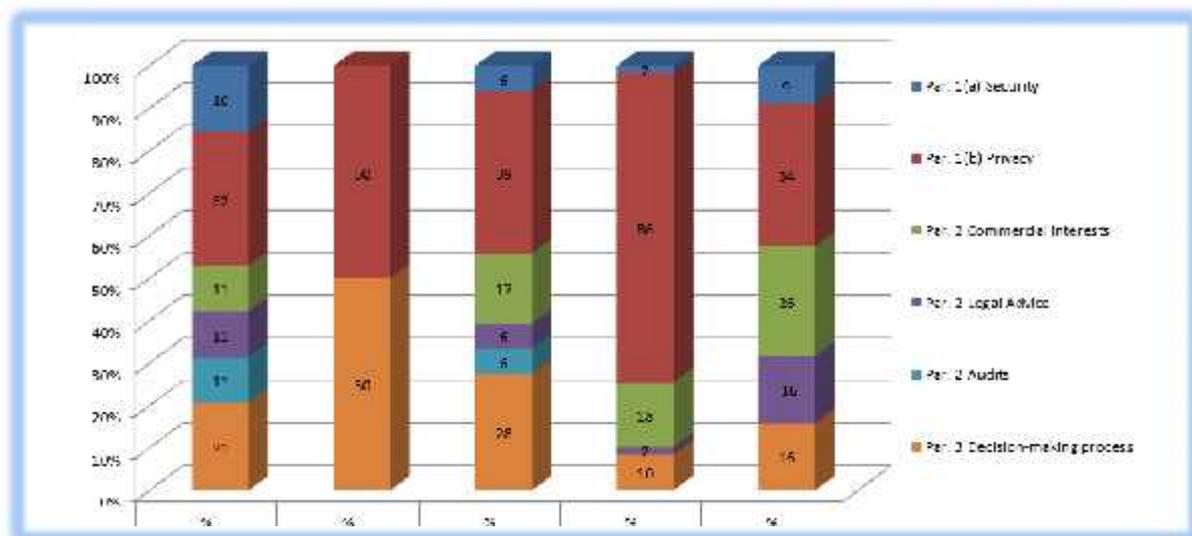
⁵ Confirmatory applications can relate to total refusal or partial access (Article 7 (2) of Regulation (EC) No 1049/2001)

(Fig. 6) **Number of applications for not previously disclosed documents and refusals**



As in 2015, this year's refusals were essentially based on the need to protect privacy and the integrity of the individuals (point (b) of Article 4(1) of Regulation (EC) No 1049/2001), commercial interests of a natural or legal person (Article 4(2) of Regulation EC) No 1049/2001), the decision-making process of the Institution (Article 4(3) of Regulation (EC) No 1049/2001) and the protection of legal opinions (Article 4(2) of Regulation (EC) No 1049/2001).

(Fig. 7) **Rate of use of exceptions under Article 4 of Regulation (EC) No 1049/2001**



In conclusion, Parliament's positive response rate remained high in 2016, with an overall positive response rate of circa 95%, and a positive response rate for applications involving not previously disclosed documents of 83%.

D) Applicants' profiles⁶

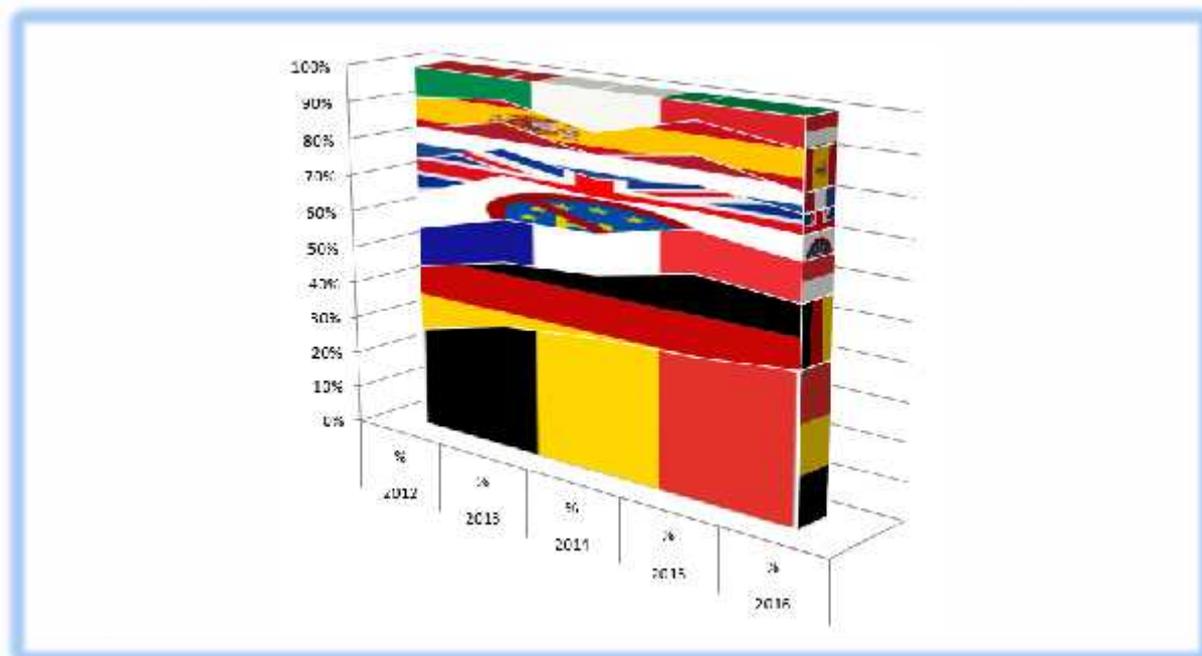
Academics and researchers continued to represent the largest share of applicants with over 50% of applicants pertaining to this category, followed by the business sector, environmental organisations and other interest representatives, accounting together for circa 15% of applications. In 2016, a significant number of requests came from journalists (7%), who represent the largest share of applicants for not previously disclosed documents, whereas the proportion of requests from lawyers remained stable at around 10%.

As regards the geographical spread of applications among the Member States, the pattern for 2016 was similar to that observed in previous years. About 32% of applicants were based in Belgium, followed (in descending order) by Germany (13%), France (8%), Spain (8%) and Italy (6%). The number of applications from third countries accounted for approximately 5.3% of the total.

In 2016, English remained the language most frequently used for applications (58%), followed by German (12%), French (11%), and Spanish (4%) following similar patterns as in previous years.

(Fig. 8) **Profiles of applicants for access to documents in 2016⁷**

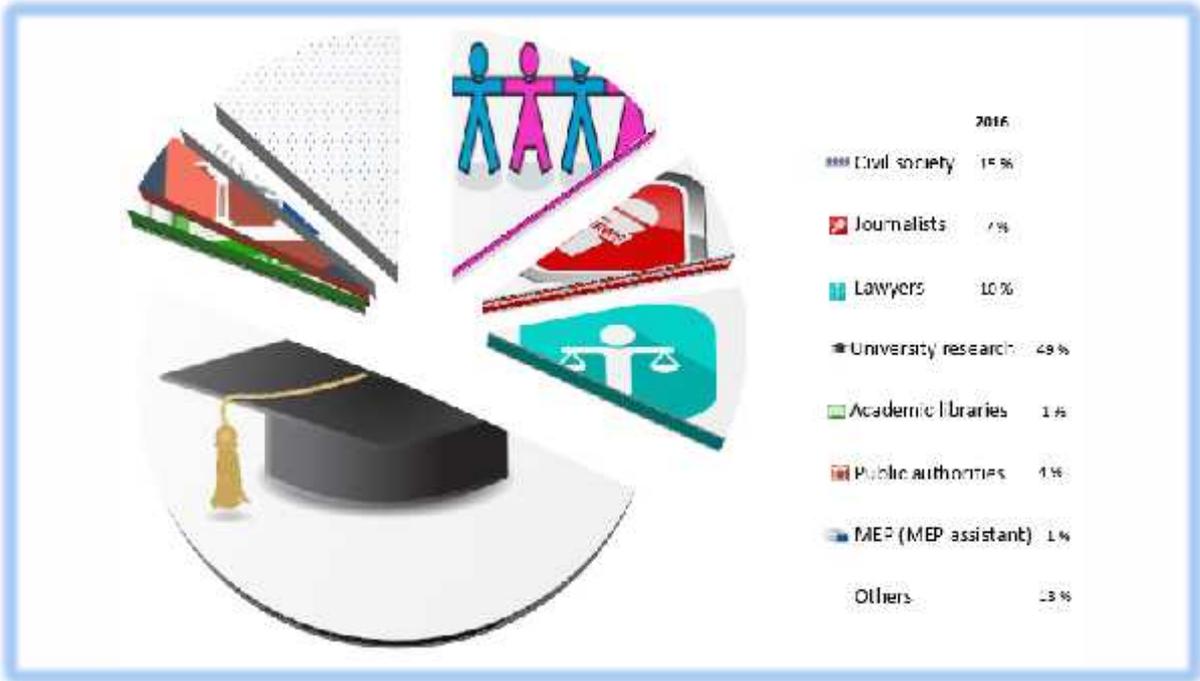
(Fig. 8a) **Nationality**



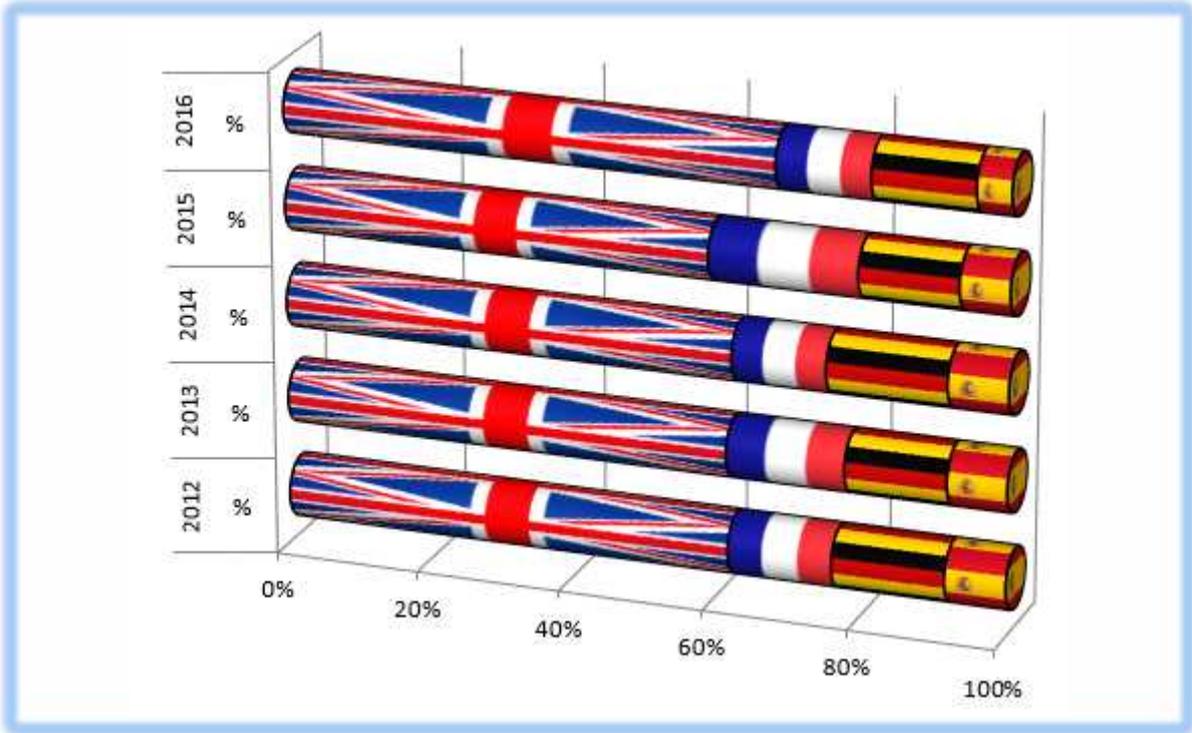
⁶ Data on applicants' profile are gathered on the basis of the information provided by applicants in their applications. However, as Regulation (EC) No 1049/2001 does not require applicants to provide information about their identity, a certain number of applicants indeed choose not to reveal their occupation; this is the case in particular for applications submitted by email

⁷ © of images in the graphs: salem / Fotolia - kebox / Fotolia- Pekchar / Fotolia - DIDEM HIZAR / Fotolia - Claudio Divizia / Fotolia - ravnka / Fotolia - photolars / Fotolia - Becky Stares / Fotolia - Sylvie Bouchard / Fotolia - atScene / Fotolia - Seraphim Vector / Fotolia- valentint / Fotolia - quka / Fotolia - Gstudio Group / Fotolia - mostafa fawzy / Fotolia - BERLINSTOCK / Fotolia - Double-J Design - European Union

(Fig. 8b) Profession



(Fig. 8c) Language



CHAPTER II

Trends and specific issues

The year 2016 was marked by a particularly high interest from journalists and citizens at large in accessing Parliament documents related to the financing of European political parties and foundations and the Members' expenditure and allowance claims. The year also stands out for its unprecedented rate of application seeking access to very large or indefinite numbers of documents.

A) *The financing of European political parties and foundations*

The number of applications for documents related to the financing of the European political parties and foundations has grown over the years, as the public became more and more aware of the existence of those organisations and Parliament's prominent role in managing them. As far as the requests for not previously disclosed documents are concerned, with 20% of the total number of requests, the financing of political parties and foundations was 2016's hottest topic. Allegations of improper use of grant monies by a few parties and foundations in the past played their part in the trend, in all likelihood, as well as the relatively recent adoption of new regulations in the matter.

The documents on the financing of the political parties and foundations are mainly those that are submitted to or produced by Parliament in accordance with the rules on that matter. Regulation (EC) No 2004/2003⁸ established the legal framework under which organisations may obtain the status of European political party or foundation and be granted funding from the budget of the European Union. That Regulation will cease to apply with the closure of the 2016 financial exercise and is being replaced by Regulation (EU, Euratom) No 1141/2014⁹. Then, notably there is also the Decision of the Bureau of the European Parliament of 29 March 2004¹⁰ that sets out the procedure following which Parliament shall manage the actual financing of the parties and foundations.

Three types of requests for access to documents concerning the financing of the political parties and foundations worthy of being discussed in this report: the requests for access to documents published on Parliament's webpage dedicated to European political parties and foundations, those for access to grant applications by the political parties and the foundations, and those for access to notes to the Bureau on the financing of political parties.

Parliament's webpage dedicated to European political parties and foundations

Under Article 9a of Regulation (EC) No 2004/2003, Parliament is bound to publish an annual report with a table of the amounts paid to each European party and foundation, the report

⁸ Regulation (EC) No 2004/2003 of the European Parliament and the Council on the Regulations governing political parties at European level and the rules regarding their funding, OJ L 297, 15.11.2003, p. 1–4

⁹ Regulation (EU, EURATOM) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations, OJ C 63, 4.3.2014, p. 1–34

¹⁰ Decision of the Bureau of the European Parliament of 29 March 2004 laying down the procedures for implementing Regulation (EC) No 2004/2003 of the European Parliament and the Council on the Regulations governing political parties at European level and the rules regarding their funding, OJ C 63, 4.3.2014, p. 1–34

of the European Parliament on the application of that Regulation, and the provisions for its implementation. In line with that provision, those documents are uploaded on a dedicated webpage¹¹. However, so as to increase transparency, Parliament goes further that legal obligations and publishes a specific version of the parties and foundations' final reports. The published version of the final reports includes a final financial statement of the eligible expenditure actually incurred, based on the structure of the provisional budget, a comprehensive summary of revenue and expenditure corresponding to the accounts for the period of eligibility covered by the grant decision, and a report on an external audit of the accounts carried out by an independent auditor, certifying that the grant has been used in compliance with the rules.

Nevertheless, possibly because they are unaware of the website or because researching their topic of interest is time consuming, in 2016, a significant number of applicants submitted applications for public access to those very documents. In those cases, in reply to the requests, Parliament usually referred the applicants to the webpage and provided them with the hyperlinks leading to the requested documents.

Requests for access to the grant applications

In order to receive funding from the budget of the European Union to finance their functioning over the course of a financial exercise, political parties and foundations have to apply for a grant before the start of the exercise. In their applications, the organisations have to demonstrate that they meet the eligibility criteria of Regulation (EC) No 2004/2003, and also, importantly, set out their plans for the financial exercise to come, including their political objectives and planned activities.

The details of the grant applications and the sensitivity of the information that they comprise are such that, where the disclosure of an application is requested under Regulation (EC) No 1049/2001, Parliament usually finds that they could not be disclosed without compromising the organisation's core objectives and activities. As a consequence, access to the grant applications has to be refused so as to protect the parties or foundations' commercial interests, in accordance with the first indent of Article 4(2) of Regulation (EC) No 1049/2001.

Request for access to the Secretary General's notes to the Bureau

Around the start of each financial exercise, the European political parties and foundations' grant applications are assessed by Parliament's relevant services. That assessment is summed up in a note from the Secretary General on grant awards. The note is then submitted to the Bureau for it to decide on a provisional grant amount for each party and foundation that are found to meet the eligibility criteria. Similarly, after the end of the financial exercise, the parties and foundations file with Parliament a final report on the use of their provisional grant. Those reports are in turn summarized in a note submitted to the Bureau and a decision on the final grant amount is then taken.

In 2016, Parliament received many requests for access to such notes, relating either to the 2016 financial exercise or to previous financial exercises. Public access to the notes was granted or refused, under Regulation (EC) No 1049/2001, on a case by case basis,

¹¹ <http://www.europarl.europa.eu/contracts-and-grants/en/20150201PVL00101/Political-parties-and-foundations>

depending on their content, as established by settled case-law. Those notes may contain legal considerations as to the application of the rules on the financing of European political parties and foundations. Besides, one of the duties of the Secretary General is to assist the Bureau in the performance of its tasks and to provide it with advice and complete background information on the decisions that it has to take. Therefore, where Parliament found that the public disclosure of a note to the Bureau would compromise the institution's ability to seek legal advice from its services or seriously undermine the institution's decision-making process, access to the relevant note was refused.

B) Requests for access to documents related to Members' expenditure and allowances claims

The upward trend for applications for access to documents related to Members continued in 2016. Approximately 18% of all applications for not previously disclosed documents pertained to that category. Most such applications focused on Member's expenditure and allowances claims. Applicants interested in accessing those documents typically aim at ensuring public control over the spending of public funds, bringing to light possible financial irregularities, and contributing to the public debate on the functioning of the Parliament. Other requests concern documents related to the activity of Members in their political capacity.

Parliament's practice

In dealing with applications for access to documents related to Members, Parliament often applies Rule 116(2) of Parliament's Rules of Procedure and point (b) of Article 4(1) of Regulation (EC) No 1049/2001 on the protection of privacy. Account is also taken of the 20 February 2008 the Bureau guidelines drafted on the basis of best practices observed in national parliaments.

Regulation (EC) No 1049/2001 on access to documents applies primarily to the documents held by the three main institutions of the European Union: the Commission, the Council and the European Parliament. Parliament considers that, as a matter of principle, there is an organic separation between its elected Members and the Institution itself.

In line with that principle, Rule 116(2) of Parliament's Rules of Procedure provides that, for the purpose of access to documents, the documents drawn up by individual Members are Parliament documents only if they are tabled under the Rules of Procedure. This means that Members' personal documents, including their e-mail exchanges, agendas, letters drawn up or received by them or internal notes are to not be considered as "Parliament documents" and, that therefore Parliament is not in a position to grant access to such documents when they are requested, because they are not held by Institution and fall outside the scope of Regulation (EC) No 1049/2001.

Nevertheless, a good deal of the requested documents that concern Parliament's Members are indeed Parliament documents, whether because they were submitted to or issued by the Institution. In those cases, when assessing the disclosure of a document, Parliament pays special attention to the Members' privacy and integrity. Indeed, most of the documents concerned by the requests related to Members' expenditure and allowance claims contain information of a private and sensitive nature. Usually, where the applicant does not demonstrate the necessity of having the personal data transferred to them in accordance

with Article 8 of Regulation (EC) No 45/2001¹², Parliament refuses access to the document on the basis of the need to protect the privacy and integrity of individuals, as is set out in point (b) of Article 4(1) of Regulation (EC) No 1049/2001.

In 2016, Parliament replied to all applications for access to Member's allowance claims on the basis of one or both of the above discussed provisions.

Parliament's approach to access to documents is supported by the guidelines decided by the Bureau on 20 February 2008 on the basis of the best practices observed in national parliaments. According to those guidelines, detailed breakdowns of the amounts actually paid out to individual Members are not made public, although Members remain free to disclose the information they want to share with the public.

The referendum on the United Kingdom's membership of the European Union

As the referendum on the United Kingdom's membership of the European Union approached, Parliament received a few requests for access to the expenditure and allowance claims of British Members and more specifically of UKIP Members. The requests were dealt with by Parliament in the same way similar requests unrelated to the referendum are processed.

C) Applications for indefinite number of documents

As already mentioned in the 2015 report, a growing trend has been observed in recent years of applications requesting access to a large or indefinite number of documents, such as applications made for "*all documents related to*" a particular subject, "*all documents containing information on*" a particular theme. In 2015, the amount of applications for an indefinite number of documents rose dramatically and increased threefold on 2014, representing 25% of all requests for documents during the year. The total number of such request in 2016 increased by another 31% on 2015.

These requests are often channelled via public portals, such as the website *AsktheEU.org*, which provides an automatic system of generating *ad hoc* e-mail addresses for submitting requests for access to documents to the EU institutions, without requiring users to provide any information about their existence or identity¹³.

Unlike some national laws, Regulation (EC) No 1049/2001 does not contain any provision on unfair, abusive or clearly unreasonable applications. It does not require applicants to provide information on their identity nor to give any reasons for their requests. However, in some circumstances the absence of explanation, which could help Parliament identify the requested documents, or the lack of any identity for the applicant, may become an issue for the proper handling of requests.

For instance, applications for "*all documents relating to*" a specific topic may result in an excessive administrative burden, incompatible with the principle of good administration.

¹² Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ L 8, 12.1.2001, p. 1–22

¹³ http://www.asktheeu.org/en/body/european_parliament

Their handling often requires in-depth research to identify all potentially relevant documents and the cooperation of several parliamentary departments beyond their normal business. In addition, it is often difficult, if not impossible, for Parliament to identify with certainty which documents actually “relate” to the topic of interest, in the sense of the application for access to documents.

Equally, the lack of requirements for the applicants to give proof of their identity is an open door to abusive behaviours or abusive recourse to applications for access to documents such as fictitious or repetitive requests from shell e-mail addresses. In one specific case it was discovered that the same person was using two different user accounts on *AsktheEU.org* and making comments which were considered to be breaching the guidelines on what it is appropriate to say in the requests. Without any statutory provision on how to act in such a situation, Parliament strives to reach a solution which protects the right to access to documents and at the same time puts an end to the abuses.

For these reasons, and with the aim of safeguarding the interest of good administration, in 2016 Parliament consolidated its practice of asking applicants to provide a postal address to duly notify them of a refusal to access documents by registered letter with acknowledgment of receipt, thus ensuring legal certainty.

In the event of non-sufficiently precise requests, or of applications related to a very long document or to a very large number of documents, the only options open to the Institution are: 1) an invitation to the applicant to clarify the application (Article 6(2) of Regulation (EC) No 1049/2001), 2) the possibility to confer informally with the applicant to find a fair solution (Article 6(3) of Regulation (EC) No 1049/2001), and 3) in exceptional cases, the Institution can also extend the original statutory deadline for reply of further 15 working days. However, these possibilities prove not to be always adequate.

1) Clarification under Article 6(2)

In the event of applications referring to “all documents” related to a certain topic or to otherwise unclear applications, the applicant is provided with general information on the subject, links to download specific documents and is then invited, so as to clarify its request, for Parliament to be in a position to process it.

2) “Narrow down” the scope of the application under Article 6(3)

In the event of a request for access a large number of identified documents, the applicant is invited to narrow down the application to a smaller amount of documents, so as to allow the Parliament to assess them and reply within the regulatory deadlines, with the possibility for the applicant to introduce future requests.

If the applicant does not accept to confer along this line, Parliament can then decide to refuse access to the documents on the basis of an excessive administrative burden. The Court of Justice has reconfirmed that possibility in two cases in which the volume of the documents or of the passages to be censored would have given rise to an unreasonable amount of administrative work. It was ruled in those two particular cases that the principle of proportionality allows the institutions to balance the interest in public

access against the burden of work caused by the application, and the institutions could safeguard the interests of good administration (See cases Hautala and Strack)¹⁴.

3) In exceptional cases, as is provided for by Article 7 (3) of Regulation (EC) No 1049/2001, an Institution may also extend the original statutory deadline for replying by another 15 working days.

Parliament sometimes makes use of that possibility where it processes applications that are particularly difficult, such as applications concerning a large number of documents or very large documents which require the involvement and the coordination of a larger than usual number of Parliament services. Such extensions have proven to be useful or even necessary to allow Parliament to assess all the documents and reply to the applicant in fact and in law while following at the same time its internal procedures and dealing with its usual workload.

¹⁴ Case T-14/98, Hautala v Council, par. 86; Case C-127/13 P, Strack v Commission, EU:C:2014:2250, par. 27

CHAPTER III

European Ombudsman decisions and Case law

1. Ombudsman's decision to close complaint 1189/2016/JN

One single complaint in relation to Parliament's handling of applications for access to documents was filed with the Ombudsman in 2016. At the beginning of the year, an applicant contacted the European Parliament through *AsktheEU.org* and requested access to documents related to a political group delegation. Parliament replied informing the applicant that political group documents are not held by the Institution. Following a request for review, a formal decision by registered mail was provided. The complainant then requested Parliament to publish the decision on *AsktheEU.org*. However, uploading documents on external websites falls outside Parliament's remit. As the complainant received no reply, he turned to the Ombudsman (Complaint 1189/2016/JN). The Office of the Ombudsman made contact with the relevant service of the European Parliament. The service then informed the complainant accordingly. The Ombudsman closed the case.

2. Judicial Review

No new action was filed with the Court of Justice in relation to any Parliament decision on access to documents. As of the time of writing, there are three pending cases however. The judgements are expected in 2017 or 2018.

1) Case T-136/15 - Evropäiki Dynamiki v Parliament (public procurement procedures): The action was brought to the General Court in March 2015 by a contractor of the IT framework contract ITS08 (External Service Provision for IT Services), following Parliament's decision of 13 February 2015 by which it refused public access to all requests for quotations, including their technical annexes, issued by the European Parliament for all lots of the framework contract. Parliament's refusal was based on the need to protect public security, the privacy and integrity of individuals, commercial interests of third parties and the decision-making process. The hearing took place in January 2017;

2) Case T-540/15 - De Capitani v Parliament (trilogue documents): The action was brought to the General Court in September 2015, following Parliament's decision of 8 July 2015 to provide only partial public access to two multi-column documents relating to pending inter-institutional negotiations on the legislative proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol). The written procedure is closed and no hearing took place so far;

3) Cases T-639/15 to T-666/15 Journalists v Parliament (MEPs allowance and expenditure): 29 actions were brought to the General Court in November 2015, following Parliament's decisions to refuse public access to all supporting documents concerning Members' expenditure and allowances on the grounds of protection of the privacy and integrity of individuals. The written procedure is closed and no hearing took place so far.

Final Remarks

In 2016, Parliament strove to further increase public access to the Institution's documents while at the same time balancing that objective with the Institution's duty to protect particular interests such as the privacy and integrity of individuals or the Institution's ability to take decisions. As the visibility and accessibility of legislative documents improved over the last few years, notably thanks to the broadening of the scope of Parliament's public register of documents, the year 2016 confirmed the trend of applicants focusing on public access to administrative documents rather than legislative documents. This trend often leads Parliament into uncharted territories. New challenges and legal issues arise each time applicants request access to categories of documents not previously disclosed to the public.

Nevertheless, Parliament's figures show an exceptionally low rate of confirmatory applications over the last few years and in particular in 2016. This tends to indicate that applicants for access to documents are generally satisfied with Parliament's responses to their applications, even where access to a document is refused on the basis of one of the exceptions to the right of access provided for by Regulation (EC) No 1049/2001. On balance, the assessment of the arrangements made for the public to access Parliament's documents shows that the transparency objectives set by the Treaties continued to be achieved by the Institution in 2016.