

**2012 ANNUAL REPORT OF THE
EUROPEAN PARLIAMENT
ON PUBLIC ACCESS TO DOCUMENTS
(Regulation (EC) No 1049/2001 – Article 17)**

(Pursuant to Rule 104(7) of Parliament's Rules of Procedure)

FOREWORD

The European Parliament, the Council and the Commission have been applying Regulation (EC) No 1049/2001 on public access to the documents held by these three Institutions since 3 December 2001¹.

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*"

This is the 11th report produced by Parliament in this context². It provides both a technical review of Parliament's Public Register of Documents³ and a description of requests for access to documents made to the European Parliament in 2012. The report also comments on the practical concerns raised by requests received to access Parliament documents during that time period. Aggregate data on the processing of applications and on consultation of the register website can be found in annexes to this report.

ACRONYMS

ERR= Electronic Register of References (register)
CARDOC = Parliament Archives & Documentation Centre
CITES = Parliament Citizens' Enquiry Service
DG COMM = Parliament Directorate for Communication
COREPER = Council's Permanent Representatives Committee
LIBE = Committee on Civil Liberties, Justice and Home Affairs

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:145:0043:0048:EN:PDF>

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

³ Technically called *electronic register of references* or ERR, herein referred to as "the register"

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I. EXECUTIVE SUMMARY

- At present, Parliament's Public Register of Documents (technically called *electronic register of references* or ERR) contains 12% more references than in 2011 (463 689 document references or 3 097 165 documents when all language versions are taken into account); 90 % can be directly downloaded from Parliament's website.
- The register's webpage has seen a 40% growth in visits (166 104 visits, or an average of 13 842 visits per month) compared with 2011.
- In parallel, a progressive decrease can be noted in documents being requested from Parliament: only 777 documents were requested during 2012, representing a 33% drop in requests compared with the previous year (1 161 documents were requested in 2011).
- Academics represent the largest share of applicants, which has dropped considerably (down to 36% in 2012 from 47% in 2011). English is the most frequent language used, followed by German, French and Spanish. Applications from Belgium or the Netherlands rose most significantly compared to the previous year. A growing proportion of applicants prefer to tick the box "Other" as relates to their profession, providing less information about their background. This category has grown to represent over a quarter of all applicants (27% compared with 23% the previous year).
- The share of requests for documents not previously disclosed (that require examination under the provisions of Regulation (EC) No 1049/2001) remains more or less stable at 21% (166 documents), compared with 25% in 2011 (289 documents). Applications for access to documents not previously made public in 2012 chiefly concerned Parliament internal administrative documents, essentially notes to the Bureau.
- The positive response rate for this category of documents was 87 % in 2012, almost identical to 2011.
- Applications for 22 documents were refused either full or partial access (8 full; 14 partial), most on the basis of the exception relating to protection of privacy and integrity of the individual under Article 4(1)(b) of Regulation (EC) No 1049/2001.
- The number of confirmatory applications following an initial refusal to grant access (Article 8 of Regulation (EC) No 1049/2001) was six - two more than in 2011.
- In 2012, a new complaint was lodged with the European Ombudsman (0262/2012/OV). The complainant alleges that Parliament's Public Register of Documents does not contain all existing parliamentary documents.
- In 2012, one Court judgment was handed down on Parliament's decision concerning access to documents (T-190/10)⁴. This case partially annulled a Parliament decision to refuse public access to registers of assistants to former Members.

⁴ Judgment of 28 March 2012 in Case T-190/10, *Kathleen Egan and Margaret Hackett / European Parliament*.

II. REGULATION (EC) No 1049/2001 AND ITS IMPLEMENTATION

In view of the 21 March 2011 Commission proposal for adapting Regulation (EC) No 1049/2001 to the Lisbon Treaty's requirements regarding transparency, revision of this regulation was ongoing in 2012.

1. Revision of Regulation (EC) No 1049/2001

On 15 December 2011, the European Parliament adopted its position⁵ at first reading on the 2008 Commission proposal for a recast of the regulation, on the basis of the report drawn up by MEP Michael Cashman, rapporteur for the Committee on Civil Liberties, Justice and Home Affairs (LIBE). In its position, Parliament considered that the procedure relating to the 2011 Commission proposal had lapsed as a result of the Parliament's incorporation of the contents of the 2011 proposal into the procedure for the 2008 proposal.

During the first semester 2012, Parliament representatives and representatives of the Commission met in informal trilogues with the Council to discuss the Council's preliminary position, endorsed by COREPER in May 2012. As a result of the trilogues and technical meetings, at the end of the first semester the Institutions' positions remained far apart on a number of sensitive issues, for example on the definition of a document⁶ and on the protection of Institutions' internal deliberations ("space to think")⁷.

When Parliament's rapporteur briefed the LIBE Committee on 20 September 2012 regarding the state of play of the dossier, the Cyprus Presidency re-affirmed its willingness to continue close dialogue with the Parliament on the basis of the progress made to date. At the end of its mandate, however, the Cyprus Presidency concluded that circumstances were not favourable for reaching a compromise on this file.

2. Parliament rules on public access to documents and document management

The Bureau decision of 28 November 2001 laying down internal rules on access to European Parliament documents implementing Regulation (EC) No 1049/2001 was revised and adopted by the Bureau on 22 June 2011⁸.

During 2012 these new rules have helped to clarify the scope of this Regulation as applicable to Parliament documents, in particular regarding the application of the appropriate legal bases regarding requests for documents introduced by EU officials and/or MEPs, for whom alternative procedures are provided. These rules have also helped to improve administration of requests, by differentiating between requests for information⁹, when that information is not available in an existing document, and requests for documents, allowing for the appropriate Parliament service to respond.

⁵ P7-TA(2011)0580

⁶ Article 3 of Regulation (EC) No 1049/2001

⁷ Linked to Article 4, paragraph 3 of the same regulation, dealing with the decision-making process of the Institution

⁸ OJ C 216, 22.7.2001, p. 19

⁹ These kinds of requests are in principle dealt with by the competent services and/or the Citizens' Enquiry Service (CITES)

During 2012 a new decision on document management was adopted by the Bureau¹⁰ concerning new arrangements for document management, allowing for a more coordinated, uniform approach by the various services. Key elements of this decision are the appointment by each Directorate-General of a document management officer (RAD) and the setting-up of the interdepartmental group of document management officers (GIDOC) to ensure implementation of the new document management system

The Transparency Unit is currently elaborating a guide for the RADs on the practical aspects of public access to Parliament documents, drawing on the experience and case law of the last ten years or so.

Throughout 2012, and as a result of the above decisions, Parliament services dealing with public access to documents have developed fruitful cooperation: Transparency Unit, CARDOC, CITES and the Directorate-General for Communication (DG COMM).

III. PARLIAMENT'S PUBLIC REGISTER OF DOCUMENTS

The current version of the register exists since 27 January 2011 when a more ergonomic product with an improved search facility was introduced. The register contains Parliament documents from 2001 to the present day.

1. Content of the register - range of documents available

Clearly the volume of documents contained in the register, as reported annually, grows parallel to document output of Parliament. Altogether 90% of documents are directly accessible to the public online, in keeping with the provisions of Article 12 of Regulation (EC) No 1049/2001. Access to all other documents can be requested via the online request form.

By 31 December 2012, the register's database contained 463 689 references (corresponding to 3 097 165 documents when all language versions are taken into account). This represents an increase of 49 520 references contained in the register, or 12% growth in volume, compared with 2011.

The range of documents available is also increasing as the register gradually incorporates a widening variety of documents relative to the legislative process, in parallel to the growth of Parliament's competences. During 2012 two new types of document were incorporated to the register: studies (heading 2.3.1.1 of the register) and impact assessments produced from 1994 to the present day, as well as annexes of answers to written questions (heading 1.3.4.5 of the register) since June 2012.

In 2012, preparatory work took place to integrate several new types of documents in the register during the first half of 2013. New typologies will include: documents of the Advisory Committee on the Conduct of Members, answers to parliamentary questions to the ECB

¹⁰ Decision of 2 July 2012. Its Article 9 deals with "document management officers", who according to letter c) shall be responsible in particular for "*making available documents which have been drawn up or received within the framework of the areas of competence of the directorate-general and which are asked for by the department responsible for public access to documents, accompanying the documents in question with an opinion of the follow-up action to be taken.*" This provision mirrors Article 9 of the Bureau decision of 22 June 2011, according to which "*where the document in question needs to be identified and found... the service or body that is the originator of the document... shall suggest the course of action to be taken within five working days*"

(ECON committee documents), statistical spotlights produced by Parliament's Library services and Eurobarometer surveys. Additionally, Parliament's stock of factsheets was being entirely updated.

2. Sensitive documents

Article 9 of Regulation (EC) No 1049/2001 lays down specific processing procedures for 'sensitive' documents¹¹. Under paragraph 3 of this article, sensitive documents can be recorded in the register only with the consent of the originator.

Article 17(1) of Regulation (EC) No 1049/2001 stipulates that the annual report shall state the number of sensitive documents not recorded in the register. In 2012 Parliament held no sensitive document within the meaning of Article 9 of Regulation (EC) No 1049/2001, and thus no such document was recorded in Parliament's Public Register of Documents.

Moreover, Article 12, paragraph 2, of the Bureau Decision on rules governing the treatment of confidential information by the European Parliament, adopted on 6 June 2011, and which was updated by decision of the Bureau on 15 April 2013, foresees that the Secretary General submits an annual report to the Bureau on the application of the above Decision. This annual report should include the number and typology of confidential documents received and held by the European Parliament.

3. Use of the register's webpage

3.1. Technical improvements to the register's webpage - current and future

As part of the proactive transparency policy advocated by the Ombudsman and called for by Parliament, the register's webpage is subject to continuous improvement in order to better facilitate direct access to Parliament documents.

In November 2012, the register's webpage was slightly modified to conform to the new graphic charter of Parliament's website. Some improvements were introduced at this time, such as the possibility to combine several keywords in a document search.

The statistical tools employed for counting visits to the webpage are currently being perfected in order to better distinguish internal and external visits, and visits by automated machines and physical persons. It will be increasingly important to provide more in-depth information about users, if the numbers of visits continues to grow at a similar rate. In addition, work continues to improve the search times and efficiency of results.

3.2. Number of visits

The register's webpage has seen a huge growth in visits in the past year¹². In 2012, a total of 166 105 visits were recorded on the website, which amounts to around 13 842 visits on average per month, or a 40% rise compared with 2011¹³.

¹¹ '(...) 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)).

¹² Defined by the statistical tool as "new incoming visitor viewing/ browsing a page who was not connected during the last 60 minutes"

Of the total visits, 87 293 were "unique visits"¹⁴. In 2012, such unique visits varied between 7 000 and 8 000 persons on a monthly basis, peaking in March (9 042 visits) and dipping in July (5 395 visits) and August (4 773 visits).

Previously, in 2011, a peak was recorded in October (7 845 visits) and a dip in May (3 319 visits). It is likely that such variations are linked to Parliament's legislative agenda. For example, a visit surge in March 2012 could be linked to the agreement on passenger name records (PNR), dealt with by the LIBE committee during this period and then by Parliament's plenary in April¹⁵.

3.3 Other observations on visits

In 2012 statistics show that the bulk of the register's visitors were based in the following countries: NL, BE, ES, DE, FR and IT (in numerical order), followed closely by visitors based in South Korea and the USA, well ahead other EU country-based visitors. In 2011, the pattern differed slightly, with most visitors based in BE, DE and ES (in numerical order), followed by South Korea and then by FR, IT and NL.

Search patterns used by website visitors in 2012 are similar to the previous year: the advanced search tool has a net advantage (80% of all searches) over search by document type (15%) and the simple search - using only one keyword (5%). For advanced searches, 58% used document references (i.e. PE numbers), 20% used dates and 18% used keywords in the full text. After performing the search, visitors most often employed the sort function - via the left-hand side labels on the screen - selecting language (31%), author (17%) and authority (15%).

A popular function available in the register is the possibility to subscribe to a mailing list for a particular type of document, automatically distributed on addition of such documents to the register. On 31 December 2012, the register had 1 677 subscribers to document updates, most based outside the EU institutions (with only 65 of subscribers working in the EU institutions). The total number of subscribers has risen by 17% compared with the previous year¹⁶. An improvement to this function has made it possible to subscribe to several types of documents through one single subscription or to combine several criteria simultaneously (example: type of document + author + authority + language).

3.4. Documents consulted

The total number of documents consulted on the register's webpage grew by 40% in 2012, representing 102 682 documents, in direct correlation with growth of visits to the website. Proportionally, the most frequently consulted documents were parliamentary questions (61 %), at a similar level to 2011. Consultation of parliamentary reports rose to 12 % of all documents consulted from 7% the previous year, remaining the second most popular category. Meanwhile consultation of texts adopted dropped to 4% from 7% over the same time period. Consultation of minutes (plenary, EU bodies, parliamentary committees) remained stable.

¹³ Due to the new register's webpage put in place in 27/01/2011, all statistics relating to 2011 consultations cover the period 1/02/11 - 31/12/11

¹⁴ Defined as "number of different physical persons who had reached the website"

¹⁵ Voted in LIBE Committee on 27 March 2012

¹⁶ 1437 subscribers end 2011

Parliamentary questions, which are a form of direct parliamentary supervision of the Commission and the Council, are of great interest to users as an important and rich source of information. It is possible to consult questions and replies directly, including annexes to the replies which were previously not available.

Concerning subscriptions, the ten most requested documents in order of popularity were: texts adopted, responses to written questions, written questions, agendas, press releases, draft agendas, Commission documents, working documents, parliamentary reports and draft reports.

As regards general information on the access to documents procedures, it must be noted that the two most downloaded documents from the register's webpage are the text of Regulation (EC) No 1049/2001 itself and the inter-institutional guide on access to documents¹⁷. The language versions most frequently used for these information documents were EN, DE, FR, ES and IT (in numerical order).

IV. ANALYSIS OF REQUESTS FOR ACCESS TO DOCUMENTS ADDRESSED TO PARLIAMENT

At first glance, over the past few years requests for documents made to Parliament have dropped considerably. Examining these figures more closely over the past few years, the share of requests for public documents is decreasing, while proportionately those requiring examination under the exceptions provided in Regulation (EC) No 1049/2001 are increasing or remain more or less constant, as in 2012. This demonstrates that technical improvements to the register are allowing visitors to directly locate accessible documents without having to make any request for access – which is the very intention of a public register of documents (see Article 11 of Regulation (EC) No 1049/2001 on "registers").

1. Volume and evolution of requests and responses

1.1. Total volume of requests

A total of 777 documents were requested from Parliament in 2012, representing a considerable decrease of 33% compared with previous years¹⁸. This decrease must be seen in parallel with three phenomena:

1. In 2012 the register saw a 40% rise in consultations. Perhaps due to improvements and the more prominent visibility of the register on the *Europarl* website, as well as the visibility of the *Europarl* website itself, it appears that a growing number of visitors are successfully locating documents that are directly accessible. Thus, fewer requests are submitted to the Parliament for documents that are already publicly accessible.

2. There is an increasing tendency for applicants to ask for an unspecified number of documents (i.e. "all documents related to...", "all correspondence between..."). In 2012, over half (53.5%) of all requests for more than one document concerned an unspecified number of documents, up from 35.5% in 2011. In these cases, the statistical tools available do not reflect the real number of documents being requested.

¹⁷ As provided on the general information page of the register website: http://www.europarl.europa.eu/RegData/PDF/Guide_EN.pdf

¹⁸ 1 161 Parliament documents were requested in 2011

3. Thanks to the clarifications provided by the Bureau's 2011 decision on rules governing public access to Parliament documents¹⁹, a clearer understanding of the roles of various services within the administration has allowed for a more efficient treatment of applications. In 2012, a growing number of cases were dealt with by CARDOC, CITES or DG COMM, as the responsible service relative to the type of information requested.

The above phenomena contribute to the apparent drop in documents requested in 2012 via the register's website.

1.2. Total volume of response

A total of 1 397 documents were sent by the Transparency Unit to applicants in 2012. Of these, 624 were sent as supplementary documents, as a result of clarifications provided by applicants submitting unclear requests. With fewer documents requested, it is clear that a more in-depth exchange can take place with those applicants researching vast areas of parliamentary activity.

In 35% of cases Parliament sent more than one document to the applicant. In particular, in 33.7% of cases where supplementary documentation was provided, two documents were sent and in 16.6% of cases, three documents were sent, and so on in decreasing order.

1.3. Requests for documents not previously disclosed

166 documents not previously disclosed were requested under Article 7(1) of Regulation (EC) No 1049/2001, representing 21% of the total number of documents requested in 2012. This share is relatively stable compared to the proportion of not previously disclosed documents requested in 2011.

Six confirmatory applications were introduced in 2012 (under Article 7(2) and Article 8 of Regulation (EC) No 1049/2001). This figure has slightly increased compared with previous years (4 in 2011 and 5 in 2010).

1.4 Subject of requests

Overall, the most requested types of documents in 2012 were (in numerical order): tabled texts (13% of requests); adopted texts (12%); non-specific document or general information (11.7%); Bureau documents (6%); comitology documents (6%); correspondence (5%); verbatim report of proceedings (3.7%); administrative documents (namely related to infrastructure and finance) (3.4%); parliamentary questions and answers (3.2%); petitions (2.3%) and MEPs' documents (2%).

A majority of requests for documents not previously disclosed concerned internal administrative documents. In this regard, requests for Bureau documents represented over half of such requests. Bureau documents sought essentially concerned notes from the Secretary General on budgetary issues or the financing of political parties at European level.

In general, tabled texts and adopted texts - although public documents - are the most often requested, but such requests have dropped relative to 2011, as visitors start finding their way on the register's webpage.

¹⁹ See point 1.2. of this report

Requests for non-specific documents or general information have increased considerably compared with 2011 (when they represented 4.9% of requests). This is due to the increasing trend for applicants to make broad or sweeping requests, using formulas such as: "all documents containing the word" or "all documents related to....", etc.

Requests for correspondence have dropped considerably. Requests for parliamentary questions have also dropped, but are the most consulted documents on the register's website.

Members' documents are increasingly requested, but these requests are not reflected in the overall statistics since they mostly do not concern Parliament's officially tabled documents²⁰. As comitology procedures are gradually replaced by the new provisions under the Lisbon Treaty, requests for comitology documents have dropped, especially towards the end of 2012.

2. Profile of applicants and geographical spread

2.1. Profile of applicants

As regards the breakdown of applications for documents by socio-professional category, requests from academic circles (particularly university research) remain the largest group (36% of the total), but have dropped considerably compared to the previous year (47% in 2011).

A growing proportion of applicants prefer to tick the box "Other" as relates their profession, thus providing Parliament with less information about their background. This category has grown to represent over a quarter of all applicants, or 27%, up from 23% the previous year and only 5% in 2010.

Applicants from civil society represented almost 17% of requests, that is to say 10% up on the previous year. This category can be broken down as follows: 85% from the business sector; 10% from NGOs and 4% from environmental organisations. The proportion of requests from lawyers (who are not considered as civil society for statistical purposes) remains more or less stable at 11%.

For applicants requesting documents not previously disclosed, the largest share ticked the box "Other" concerning their profession, with the second largest share being researchers. Applicants for non-public documents fell into the categories: 29% other; 18% researchers; 17% NGOs, 11% business sector, 9% from the media and 8% lawyers, with the remainder either from the public administration or political parties.

2.2. Geographical spread

As regards the geographical spread of applications (EU Member States), the pattern for 2012 is very similar to that seen in previous years. Almost 24% of applications were made by individuals or organisations based in Belgium, followed (in numerical order) by Germany (14.7 %), France (9.4 %), the United Kingdom (7.9 %), Italy (7.2%), Netherlands (6.9%) and Spain (6.7%). Applications from third countries accounted for approximately 8 % of the total, up slightly from 2011.

²⁰ See Rule 104, paragraph 2, of Parliament Rules of Procedure

Over the past four years (see table 6 in Annex) requests from Belgium have grown to represent almost a quarter of all requests, while requests from Germany have dropped from around 20% to 15%. Requests from the UK, France and Spain have remained more or less steady over the four year period, whereas requests from Italy and the Netherlands have grown progressively.

The language most frequently used for applications was English (52.5 %), which is on the increase compared with previous years, followed by German (13 %), also on the increase, French (12 %) which has dropped slightly and Spanish (7 %). This reinforces the trend observed during recent years of the growing importance of English as the language of communication.

3. Application of exceptions to the right of access

3.1. Positive response rate

The rate of positive response to the 166 requests for access to Parliament documents not previously disclosed was 95% (158 non-public documents were released) or 87% taking into consideration that partial access was granted in 14 cases. This compares with 95% and 88.5% respectively in 2011.

As mentioned, 6 confirmatory applications²¹ were introduced following Parliament initial refusal to grant access. In all cases, Parliament's initial position was confirmed: partial access was granted in three applications and total refusal was applied in the other three cases. The documents to which partial access was granted concerned Parliament's internal annual audit reports, legal service documents and lists of assistants to former Members of Parliament. Total access was refused to documents containing personal data or where a need was ascertained to protect the privacy and integrity of one or more individuals.

3.2. Refusals and their motivation

In 2012, there were 22 negative responses on the basis of Article 4 of Regulation (EC) No 1049/2001, 14 of which involved partial refusal.

The motive for refusal was most often (31%) the exception relating to protection of privacy and integrity of the individual (Article 4(1)(b) of Regulation (EC) No 1049/2001). This exception was invoked in cases concerning personal data such as Members' membership to the complementary pension scheme, lists of assistants of former Members, Members' handwritten signatures or Parliament's personnel files (with notations). In cases where the applicant seeks access to personal data, Parliament, in accordance with established case law²², invites the applicant to provide reasoning for the need for such information transfer. Ultimately, no such necessity was established in any of the above cases.

Together, protection of commercial interests, legal advice and the purpose of audits (Article 4(2) of Regulation (EC) No 1049/2001) accounted for about 30% of refusals. Protection of the institution's decision-making process (Article 4(3) of Regulation (EC) No 1049/2001)

²¹ We take account in this figure of the date of the initial application, even if the confirmatory application itself was introduced in 2013

²² The most recent judgment of the Court being on 23 November 2011 in Case T-82/09, Dennekamp / European Parliament

represented 21% of refusals; while the safeguarding of public interest as regards international relations or public security (Article 4(1)(a) of Regulation (EC) No 1049/2001) accounted for 15% of refusals. Particularly, in one instance Article 4(1)(a) was invoked with regards to public security in the IT domain, where a request was made by an IT developer for access to all source codes and developer-facing documentation to Parliament's software AT4AM, used for tabling amendments on legislative reports. This exception was also invoked with regard to a request for an external study on the modernisation of Parliament's financial information system.

In addition, some comitology documents were refused in the first half of 2012 on a temporary basis, until adoption of the relevant text in committee.

V. COMPLAINTS TO THE EUROPEAN OMBUDSMAN, LEGAL APPEALS AND CASE LAW

Regulation (EC) No 1049/2001 provides a clear procedure²³ for citizens to appeal against decisions by the EU institutions to refuse access to documents. While Parliament has only seen three such cases end up in the General Court concerning its own decisions to date, a considerable amount of jurisprudence exists relating to the regulation which can assist in terms of interpretation of its meaning. A citizen, who has been refused access to a document after a confirmatory - or second - request, may either complain to the European Ombudsman, or appeal to the General Court.

1. Complaints lodged with the European Ombudsman

During 2012, a case dating from 2010 (900/2010/MF) was closed by the Ombudsman with a critical remark to Parliament concerning internal administrative documents requested by an official.

In 2012, Parliament submitted observations relative to a complaint lodged in 2011 with the Ombudsman (2393/2011/RA) concerning Parliament's refusal to disclose documents in its possession, and is currently awaiting the Ombudsman's decision. The complaint was submitted following Parliament refusal to grant access to documents concerning negotiations on the Anti-Counterfeiting Trade Agreement (ACTA) (see Parliament's access to documents report 2011). The complainant alleges that Parliament has failed to put forward valid justifications under Regulation (EC) No 1049/2001 for not providing access to the documents in question.

In addition, in 2012 a new complaint was lodged with the Ombudsman (0262/2012/OV) concerning the range of documents provided in Parliament's register. The complainant alleges that Parliament fails to register all existing Parliament documents. Parliament has submitted its observations to the Ombudsman and is awaiting a decision.

²³ Article 8, paragraph 3

2. Judicial review

2.1. Judgments regarding the Parliament

During the period of reference, one **Court judgment** was issued on Parliament's decision concerning access to documents²⁴. This case partially annulled Parliament's decision to refuse public access to registers of assistants to former Members. The complainants had requested access to "*all registers and lists*" concerning the "*public registers of assistants to former Members of the European Parliament*". Parliament has always interpreted this request as exclusively relating to documents concerning any former assistant associated with particular Members. Following the ruling, Parliament took a new decision with a view to implement the operative part of the judgment. The applicants were thus provided with more precise information as to the content of the registers and, taking into account particular considerations of personal data, were offered the opportunity to consult these registers *in situ*. This offer was however not taken up and no follow-up has been requested by the applicant.

2.2. Judgments regarding other EU institutions

Eleven judgments were issued concerning access to documents during the period of reference (the orders and the conclusions of the Advocate-General are not cited) with regard to other institutions:

European Commission:

- Judgment of 14 February 2012 in **Case T-59/09**, *Federal Republic of Germany / European Commission*, concerning documents originating from a Member State,
- Judgment of 22 May 2012 in **Case T-300/10**, *Internationaler Hilfsfonds eV / European Commission*, concerning the exceptions relative to the protection of privacy and the integrity of the individual and the protection of the decision-making process,
- Judgment of 22 May 2012 in **Case T-344/08**, *EnBW Energie Baden-Württemberg AG / European Commission*, concerning the exceptions relative to the protection of the commercial interests of a third party and the protection of the decision-making process,
- Judgment of 21 June 2012 in **Case C-135/11**, *IFAW Internationaler Tierschutz-Fonds gGmbH / European Commission*, concerning documents originating from a Member State,
- Judgment of 28 June 2012 in **Case C-404/10 P**, *Éditions Odile Jacob SAS / European Commission*, concerning merger control proceedings and the exceptions relative to the protection of investigations, commercial interests, legal advice and the decision-making process of the institutions,
- Judgment of 28 June 2012 in **Case C-477/10 P**, *European Commission / Agrofert Holding*, concerning merger control proceedings and the exceptions relative to the protection of investigations, commercial interests, legal advice and the decision-making process of the institutions,

²⁴ Judgment of 28 March 2012 in Case T-190/10, *Kathleen Egan and Margaret Hackett / European Parliament*.

- Judgment of 13 December 2012 in joint Cases **T-197/11 P and T-198/11 P**, *European Commission / Guido Strack*, concerning public service and public officials, Regulation (EC) No 1049/2001 and the Civil Service Tribunal.

European Council:

- Judgment of 4 May 2012 in **Case T-529/09**, *Sophie ni 't Veld / Council of the European Union*, concerning the protection of the public interest in the field of international relations and the exception relative to the protection of legal advice,
- Judgment of 3 October 2012 in **Case T-465/09**, *Ivan Jurasinovic / Council of the European Union*, concerning the protection of international relations,
- Judgment of 3 October 2012 in **Case T-63/10**, *Ivan Jurasinovic / Council of the European Union*, concerning the protection of international relations and the protection of legal proceedings and legal advice.

European Central Bank:

- Judgment of 9 November 2012 in **Case T-590/10**, *Gabi Thesing et Bloomberg Finance LP / European Central Bank (ECB)*, concerning the exception relative to the protection of the economic policy of the Union or of a Member State.

More detailed information concerning the various actions and judgments can be found in the annual reports of the Commission²⁵ and the Council²⁶, as well as on the Court of Justice of the European Union website²⁷.

VI. INTERINSTITUTIONAL COOPERATION

In 2012, the administrative services responsible for implementing Regulation (EC) No 1049/2001 in the three Institutions liaised regularly on legal and management matters relating to the implementation of the regulation.

Several consultation meetings concerning possible interpretations of case-law in this area took place during the year, and it is foreseen to continue such meetings at regular intervals. Article 15(1) of Regulation (EC) No 1049/2001 stipulates that *'the institutions shall develop good administrative practices with a view to facilitating the exercise of the right of access guaranteed by the Regulation'*.

The interinstitutional committee provided for in the second paragraph of that article did not meet at political level in 2012.

²⁵ http://ec.europa.eu/transparency/access_documents/reports_en.htm

²⁶ <http://www.consilium.europa.eu/documents/policy-regarding-access-to-council-documents/basic-texts-on-transparency?lang=en>

²⁷ http://curia.europa.eu/jcms/jcms/Jo1_6308/

**STATISTICS ON REQUESTS FOR ACCESS TO DOCUMENTS
AND ON WEBPAGE CONSULTATION
(SITUATION ON 31/12/2012)**

**1. TOTAL NUMBER OF DOCUMENTS REQUESTED VIA THE REGISTER
WEBPAGE**

2008	2009	2010	2011	2012
1300	1260	1139	1161	777

**2. NUMBER OF REQUESTS (INITIAL APPLICATIONS) CONCERNING
DOCUMENTS NOT PREVIOUSLY DISCLOSED**

2008	2009	2010	2011	2012
237	273	268	289	166

3. NUMBER OF CONFIRMATORY APPLICATIONS

2008	2009	2010	2011	2012
13 ²⁸	3	5	4 ²⁹	6

4. COMPLAINTS TO THE OMBUDSMAN

2008	2009	2010	2011	2012
1	0	1	1	1

²⁸ In 5 cases, initial decision overturned (4 partial access, 1 total access)

²⁹ In 1 case, initial decision overturned (total access granted)

5. LANGUAGE USED BY THE APPLICANT

LANGUAGE	2009	2010	2011	2012
BG	0.48%	1.93 %	1.08%	0.89 %
ES	7.38%	6.59 %	8.46%	7.09 %
CS	0.40%	0.81 %	0.31%	0.53 %
DA	0.48%	0.61 %	0.77%	1.42 %
DE	20.95%	10.74 %	9.54%	13.30 %
ET	-	0.10 %	-	-
EL	0.56%	0.20 %	0.46%	0.89 %
EN	37.06%	45.69 %	48.77%	52.48 %
FR	18.89%	23.81 %	14.00%	12.23 %
IT	4.60%	3.44 %	5.38%	5.50 %
LV	-	0.10 %	-	0.18 %
LT	0.08%	0.10 %	0.31%	0.35 %
HU	0.40%	0.81 %	0.62%	0.71 %
MT	-	-	-	-
NL	3.25%	2.63 %	3.08%	1.95 %
PL	1.35%	0.71 %	3.54%	1.42 %
PT	1.11%	0.71 %	1.23%	0.35 %
RO	0.95%	0.41 %	1.54%	0.18 %
SK	0.56%	-	0.15%	0.18 %
SL	-	-	0.15%	-
FI	0.24%	0.10 %	0.15%	-
SV	1.27%	0.51 %	0.46%	0.35 %
OTHER	-	-	-	0.89 %

6. GEOGRAPHICAL SPREAD OF APPLICANT

Country	2009	2010	2011	2012
BELGIUM	15.16%	20.57 %	19.08%	23.40 %
BULGARIA	0.56%	2.03 %	1.23%	1.06 %
CZECH REPUBLIC	0.63%	1.42 %	1.08%	0.53 %
DENMARK	0.95%	1.62 %	1.38	2.48 %
GERMANY	20.40%	12.46 %	11.69%	14.72 %
ESTONIA	0.16%	0.10 %	0.31%	-
GREECE	0.48%	1.01 %	0.46%	1.24 %
SPAIN	7.14%	4.46 %	9.85%	6.74 %
FRANCE	11.51%	14.08 %	8.46%	9.04 %
IRELAND	1.27%	1.32 %	1.08%	1.60 %
ITALY	5.32%	4.86 %	7.38%	7.27 %
CYPRUS	0.16%	0.10 %	-	-
LATVIA	0.16%	-	0.15%	0.18 %
LITHUANIA	0.16%	0.20 %	0.31%	0.35 %
LUXEMBURG	4.44%	5.67 %	0.92%	1.24 %
HUNGARY	0.56%	0.91 %	0.92%	1.06 %
MALTA	0.32%	0.30 %	-	-
THE NETHERLANDS	3.41%	4.96 %	5.54%	6.91 %
AUSTRIA	1.59%	1.62 %	1.69%	1.42 %
POLAND	1.83%	1.01 %	3.38%	0.35 %
PORTUGAL	0.87%	0.51 %	1.23%	0.35 %
ROMANIA	1.27%	0.71 %	1.54%	-
SLOVENIA	0.08%	-	0.15%	-
SLOVAKIA	0.56%	0.10 %	0.31%	0.35 %
FINLAND	0.24%	0.20 %	0.62%	0.53 %
SWEDEN	1.75%	1.93 %	1.38%	1.06 %
UNITED KINGDOM	8.73%	6.48 %	12.15%	7.98 %
CANDIDATE COUNTRIES	0.32%	0.30 %	0.92%	0.18 %
THIRD COUNTRIES	9.92%	10.94 %	6.77%	7.80 %
NON SPECIFIED	0.08%	0.10 %	-	-

7. PROFESSIONAL PROFILE OF APPLICANTS

Professional profile	2009	2010	2011	2012
CIVIL SOCIETY (Interests groups, Industry, NGOs, etc.)	21.75%	20.47%	10.36%	16.95 %
JOURNALISTS	3.35%	7.12%	5.84%	3.00 %
LAWYERS	13.11%	15.93%	9.60%	11.16 %
ACADEMIC WORLD University Research	41.36%	38.47%	45.39%	33.48 %
ACADEMIC WORLD Libraries	1.42%	2.33%	1.69%	2.36 %
PUBLIC AUTHORITIES (other than EU institutions)	13.62%	8.81%	1.13%	6.44 %
MPE, MPE ASSISTANT	1.52%	1.55%	2.07%	-
OTHERS (Pensioners, unemployed, etc.)	3.86%	5.31%	23.16%	26.61 %

8. REFUSAL PURSUANT TO ARTICLE 4 OF REGULATION 1049/2001

Refusal	2009³⁰	2010³¹	2011³²	2012³³
ARTICLE 4(1)(a) PROTECTION PUBLIC INTEREST (international relations & security reasons)	5.26%	12.5%	25.4%	15.8%
ARTICLE 4(1)(b) PROTECTION PRIVACY AND INTEGRITY OF THE INDIVIDUAL	26.31%	25%	16.3%	31.6%
ARTICLE 4(2) first indent PROTECTION COMMERCIAL INTEREST	2.63%	8.3%	3.6%	10.5%
ARTICLE 4(2) second indent PROTECTION COURT PROCEEDINGS AND LEGAL ADVICE	10.52%	12.5%	14.5%	10.5%
ARTICLE 4(2) third indent PROTECTION INSPECTIONS AUDITS	15.78%	4.0%	5.4%	10.5%
ARTICLE 4(3) PROTECTION INSTITUTIONS' DECISION-MAKING PROCESS	39.47%	37.5%	34.5%	21%

³² 2009: 39 total refusals (of which 6 granted partial access)

³³ 2010: 24 total refusals (of which 8 granted partial access)

³² 2011: 33 total refusals (of which 19 granted partial access)

³³ 2012: 22 total refusals (of which 14 granted partial access)

9. CONSULTATION OF THE REGISTER

A. Documents listed in the register

Total Documents	Documents (EP document references)	Files (all language versions)	Growth (number of documents)
DECEMBER 2008	262 000	1 682 774	-
DECEMBER 2009	310 760	1 998 330	18.6%
DECEMBER 2010	362 217	2 386 485	16.6%
DECEMBER 2011	414 169	2 825 361	14.3%
DECEMBER 2012	463 689	3 097 165	12%

B. Consultation of the register's webpage

VISITS	TOTAL VISITS	MONTHLY VISITS	GROWTH
2010	127 548	10 629	-
2011³⁴	110 274	9 870	- 7%
2012	166 104	13 842	+ 40%

³⁴ Due to the new register's webpage put in place in 27/01/2011, all statistics relating to consultations in 2011 cover the period 1/02/11 - 31/12/11