

**ANNUAL REPORT 2006
ON PUBLIC ACCESS TO DOCUMENTS
(Regulation (EC) No 1049/2001 – Article 17)**

**(Pursuant to Rule 97, paragraph 7, of Parliament's
Rules of Procedure)**

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I. INTRODUCTION

Article 17, paragraph 1, of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents provides that *'Each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register'*.¹

The present report concerns the implementation of Regulation (EC) No 1049/2001 by Parliament in 2006 and is the fifth presented by the Bureau in application of this provision.

The statistical tables at the end of the document show how implementation of the Regulation has developed over the past four years.

II. REGULATORY, ADMINISTRATIVE AND TECHNICAL MEASURES

1. Amendment of the Rules on administrative processing of confidential documents (Bureau decision of 13 November 2006)

Administrative processing of confidential documents is part of the general policy of transparency pursued by Parliament in accordance with Regulation (EC) No 1049/2001, particularly Articles 4 and 9 thereof.

The administrative provisions relating to processing confidential documents, as well as the plan to set up a Confidential Documents Service (responsible for management, storage and access to the secure reading room) had been adopted by Bureau decision of 12 February 2001. These rules dealt exclusively with the administrative processing of confidential documents entrusted to the European Parliament by the Commission under the framework agreement of 5 July 2000 on relations between the European Parliament and the Commission.

Since 2001 the rise in the number of confidential or reserved-access documents deposited has gone hand in hand with a diversification of their origins. While most of the deposits result from the framework agreement signed between the Commission and the European Parliament, some of the documents originate elsewhere.

¹ See Parliament's previous reports, PE 324.992/BUR of 23 January 2003, PE 338.930/BUR/NT of 19 February 2004, PE 352.676/BUR/ANN. of 7 March 2005 and PE 371.089/BUR/ANN of 22 March 2006.

By its decision of 13 November 2006, the Bureau adopted a revised set of rules that take account of the experience gained since 2001. They aim to update the existing rules following the adoption of a new framework agreement on 26 May 2005² and to address the increase in confidential dossiers entrusted to the European Parliament coming from sources other than the Commission. Sensitive documents in the area of security and defence policy are not concerned by this revised set of rules.

In parallel, by a decision of the Secretary-General of 21 November 2006, implementing measures were laid down for technical questions relating to the operation of the Confidential Documents Service and to transfer of confidential documents between Parliament's three places of work.

2. Declassification of confidential archives that are over 30 years old

Articles 4 and 9 of Regulation (EC) No 1049/2001 lay down exceptions to the right of access established by this Regulation. Regulation (EC) No 1700/2003 of the Council of 22 September 2003 amending Regulation (EEC, Euratom) No 354/83³ concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community of the Council⁴ applies these exceptions to the historical archives. This Regulation, while providing for a period of thirty years before opening the historical archives to the public, forbids access to the documents even after the thirty years are up if the excepting conditions are still current.

In order to implement Article 5 of this Regulation,⁵ by a decision of the Secretary-General of 30 January 2006 (D(2006)3091), mandated by the Bureau, a committee for the declassification of EP documents was set up and instructed to submit proposals for establishing a procedure and laying down criteria for declassification of documents, as well as to make proposals for declassification of documents over 30 years old in the EP archives.

This committee is currently proposing to the Secretary-General a draft decision concerning declassification of the personal archives of former EP Presidents (Simone Veil and her predecessors). In accordance with the abovementioned decision of 30 January 2006, decisions on declassification are adopted by the Secretary-General on the basis of proposals by the committee, in consultation with the Vice-President responsible.

3. Training sessions

² EP decision of 26 May 2005, Annex XIII to the Rules of Procedure.

³ OJ L 243/1, 27.09.2003.

⁴ OJ L 043/1, 15.02.1983.

⁵ *In order to ensure that the 30-year period provided for in Article 1(1) is complied with, each institution examines in good time, at the latest during the twenty-fifth year following the date of their production, documents classified in accordance with the rules of the institution concerned, with a view to deciding whether they can be declassified. Documents not declassified as a result of the preliminary examination are re-examined periodically, at least every five years.*

As in previous years, in 2006 the Registry Unit held a number of training sessions for officials of the institution in order to familiarise them with procedures and practices in the area of public access to documents.

In cooperation with the Mail and Archives Units, a training programme was set up to train new officials in overall management of Parliament documents with a view to facilitating public access to those documents.

Collaboration was also set up with the Commission's Central Library in order to train officials working in that service in searching for Parliament documents.

4. **Electronic register**

During the current year, a plan to rewrite the Registry database electronically (JAVA) was launched, with the aim of making access to the database faster and more reliable. In parallel, the texts presenting the Public Register on the internet are being revised.

An IT tool has also been developed to enable bulky documents to be sent electronically.

At the end of 2006 the Registry database contained 165 139 references (1 021 599 files). **90%** of the documents are **directly accessible** on the internet.

The average number of **daily searches** carried out on the Registry site has also gone up, now being about **1 500**.

5. **Sensitive documents**

Article 9 of the Regulation provides for specific treatment for 'sensitive' documents.⁶ Under paragraph 3 of that Article, sensitive documents are not entered in the register except with the consent of the originating authority.

In 2006 no document qualifying for entry in the register was sensitive within the meaning of Article 9 of Regulation (EC) No 1049/2001.

III. **ANALYSIS OF REQUESTS FOR ACCESS**

1. **Volume**

⁶ 'Sensitive documents are 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, paragraph 1).

As in previous years, there was an increase in the reference year in the total number of requests. This increase was, however, less pronounced than in the past:

- the total number of requests rose from 1 814 in 2005 to **1 917** in 2006, representing an increase of **5.5%**;
- as to requests for **non-public documents** (initial requests pursuant to Article 7 of Regulation (EC) No 1049/2001), a decrease in absolute numbers was recorded (**283** as against 298); in relative terms, they remain at about **15%** of the total number of requests received. It should be pointed out that in the case of Parliament, as opposed to the Council and, especially, the Commission, these requests relate to one or more different documents and not to complete dossiers (e.g. competition, taxation, violations).

These figures suggest a stabilisation of requests, which is quite logical bearing in mind that the volume of documents that are directly accessible in the Registry and the information available on Parliament's web pages is increasing steadily and substantially. In addition, it should be pointed out that many Parliament services, particularly the Correspondence with Citizens Unit and the Information Offices in the Member States, also provide information and documents.

There were **5 confirmatory applications** (Article 8 of Regulation (EC) No 1049/2001) in **2006**.

One complaint was filed with the European Ombudsman in 2006.

2. Profile of applicants and geographical distribution

The breakdown of requests by socio-professional category has not changed significantly. Requests from **academic milieus** continue, as in previous years, to be the largest category (about **39%** of the total).

Various interest groups, NGOs and companies account for about a quarter of the requests, and come mainly from Belgium, because, as pointed out in previous reports, many organisations have their headquarters in Brussels.

In the breakdown by geographical origin of requests, therefore, Belgium is the country from which the majority come, followed by Germany and France.

The language most used for making requests is English, followed by French and German.

3. Areas of interest

The types of document most asked for continue to be legislation and texts adopted by Parliament, including preparatory texts (parliamentary committees' working documents).

This year there was a significant drop in the number of requests relating to parliamentary questions, since the public can now find the answers directly on the electronic Registry's help page. Last year there was a technical problem with uploading data to the database, but this has now been solved.

As regards non-public texts, i.e. those that have to be examined before possibly being released, the types of document most often requested are **correspondence (10%), comitology documents (6%) and Bureau documents (3%)**(particularly texts relating to the rules on parliamentary expenses/allowance, funding of political parties/groups at European level and the preparatory texts relating to multilingualism).

With reference to comitology documents, it should be pointed out that, in application of Council Decision 1999/468/EC⁷ laying down the procedures for the exercise of implementing powers conferred on the Commission, the Commission forwards to Parliament draft 'comitology' texts so that Parliament can exercise its right of information and its right of scrutiny, which must be done within a month.

In application of Regulation (EC) No 1049/2001, particularly Article 11 thereof, Parliament enters the references of such documents forwarded by the Commission in the electronic Register. The Commission has also created a specific register for comitology documents. Draft implementing measures are not directly accessible until the committee responsible has delivered its opinion, in the interests of protecting the decision-making process pursuant to Article 4(3) of Regulation (EC) No 1049/2001. This said, some citizens ask for access to these documents before they are even available.

IV. APPLICATION OF EXCEPTIONS TO RIGHT OF ACCESS

1. Positive response rate

In calculating the percentage of positive responses, account was taken only of requests for documents which had never before been made public and had to be examined in the light of the exceptions provided for in Article 4 of Regulation (EC) No 1049/2001. The number of requests of this kind made in 2006 was **283**.

1.1. Initial requests

Full access was granted in 247 cases. In 9 cases only partial access was granted. In other words, the positive response rate was **87%** (80% in the previous year).

⁷ OJ C 255/4, 21.10.2006.

1.2. Confirmatory applications

As stated above (see III, point 1), there were 5 confirmatory applications this year.

In the previous reporting year the rate of confirmation of initial decisions was 90% (in one case partial access was granted following a confirmatory application).

In the current reporting year the rate was 60%, given that partial access was granted following a confirmatory application in only two cases.

2. Reasons for refusal

The breakdown by reasons for refusal in the case of negative responses (**36, 9 of them partial**) on the basis of the exceptions in Article 4 has changed considerably.

The main reason for refusal is now the exception relating to **protection of the decision-making process**, Article 4, paragraph 3 (**39%**). As mentioned earlier (see point III, 3), the increase in the number of requests for comitology documents at a stage in the procedure where these documents cannot yet be made available to the public means that this exception is invoked relatively frequently.

The other grounds for refusal that are most often invoked continue to be **protection of privacy and the integrity of the individual** (Article 4, paragraph 1 b)(**24%**) and **protection of court proceedings and legal advice** (Article 4, paragraph 2, second indent)(**24%**).

V. COMPLAINTS TO THE EUROPEAN OMBUDSMAN, AND JURISPRUDENCE

When, further to a confirmatory application asking the institution to reconsider its position (internal administrative appeal), the refusal to give access to a document is confirmed, the applicant is informed of the means of redress that are open to him: filing a complaint with the European Ombudsman or an action for annulment with the Court of First Instance (Article 7, paragraph 2).

As already pointed out in previous reports, it is in the nature of Parliament's activities that most of its documents can be made public, so that the refusal rate is low. As a result, far fewer complaints are filed against Parliament than against decisions of the other institutions.

1. Closed complaints

Complaint No 1919/2005/GG of 20.5.2005

This complaint related to a request by an official of the institution who wanted access to the lists of admissible candidates drawn up by DG Personnel following interinstitutional publication of three notices of vacancy. The refusal was motivated by the requirement to protect personal data (Article 4, paragraph 1 (b) of the Regulation), since the documents in question contained names to divulge which would have been prejudicial to protecting the privacy of the people concerned.

The Ombudsman, having concluded that the refusal of access was not justified, set down a criticism. In his opinion, Parliament had failed to establish the extent to which disclosure of the lists of admissible candidates could have had negative implications for the people concerned, particularly for those of them who already worked in Parliament's Secretariat. The Ombudsman took the view that Parliament should at least have consulted the people whose names were on the lists to obtain their agreement to disclosure.

The opinion of the Ombudsman is based on a joint application of Regulations (EC) No 1049/2001 and (EC) No 45/2001.⁸ In the framework of Regulation (EC) No 45/2001, the agreement of the person concerned is one potential justification for processing of data (cf. Article 5, d)). The Ombudsman's position could mean that Article 4, 1(b), of Regulation (EC) No 1049/2001 refers, as regards the lawfulness of disclosure of a document containing data of a personal nature, to the conditions set out in Regulation (EC) No 45/2001.

It must be pointed out that public disclosure of the names of admissible internal candidates in the framework of filling posts goes well beyond what is laid down in Article 25 of the Staff Regulations of Officials. Neither the Staff Regulations nor the staff mobility policy provide for disclosure of the names of people who have applied for a vacant post. This was why Parliament refused access and did not consider it necessary to consult the people involved, given that the names of the candidates had been collected for a reason other than that of public disclosure.

The Ombudsman closed the complaint and decided not to make a special report to Parliament, given that the latter had stated that it favoured an approach that was harmonised with that of the other institutions as regards administrative practices in the area of recruitment and that interinstitutional consultations on this matter were in progress. The Ombudsman nevertheless stated that he intended to mention this case in his 2006 annual report and did not exclude the possibility of re-examining the subject.

2. New complaints

One new complaint was lodged with the European Ombudsman in 2006:

⁸ 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*).

The complaint concerns the refusal to disclose the list of the names of Members and former Members of the European Parliament who were members of the (voluntary) supplementary pension scheme. Grounds for the refusal was the protection of personal data (Article 4, paragraph 1 (b) of the Regulation), since Parliament takes the view that membership of this scheme constitutes an item of personal data. In the view of Parliament, membership of the pension scheme falls within the realm of Members' private lives and not of the exercise of their parliamentary mandate.

3. Judgments handed down

To date no appeal has been lodged with the Court against Parliament further to refusal of the right of access on the basis of Regulation (EC) No 1049/2001.

However, during the reference period four judgments in this area involving the European Commission have been handed down.

- T-198/03, of 30/05/2006, *Bank Austria Creditanstalt c/Commission*, in which the Court of First Instance analyses the relationship between the principle of transparency (Articles 1, 254 and 255 of the EC Treaty) and the requirement of professional secrecy (Article 287 of the EC Treaty).
- T-391/03 and T-70/04 du 6/07/2006, *Yves Franchet et Daniel Byk c/Commission*. The Court of First Instance ruled that the objective of Regulation (EC) No 1049/2001 is to guarantee access to public documents for all citizens. An individual's precise reason for obtaining a document, for example in order to defend himself in a legal dispute, is irrelevant in the decision whether or not to make a document public.
- T-290/05 of 11/12/2006, *Weber c/Commission*. Protection of inquiry proceedings (Article 4, paragraph 2, third indent).
- T-237/02 of 14/12/2006, *Technische Glaswerke Ilmenau GmbH c/Commission*. The Court of First Instance ruled that the mere fact that a document relates to an interest protected by an exception provided for in Regulation (EC) No 1049/2001 is not in itself enough to justify the latter's being applied. Such application would, in principle, only be justified where the institution has assessed, first, whether granting access to the document would cause actual material harm to the interest being protected and, second, in the circumstances referred to in Article 4, paragraphs 2 and 3, of Regulation (EC) No 1049/2001, whether or not there was an overriding public interest in disclosure of the document in question.

For more detailed information on various appeals and judgments, we refer the reader to the annual reports of the Commission⁹ and the Council.¹⁰

⁹ http://ec.europa.eu/transparency/access_documents/index_en.htm

¹⁰ http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=305&lang=EN&mode=g

VI. POINTS OF INTEREST

1. Openness of the decision-making process

Given the importance attached by the Community institutions to the principle of public access to the decision-making process, and in order to ensure that the public has the broadest possible access, since July 2006 Parliament's sittings (debates, questions, votes) are available on line (*streaming*), either live or in recorded form. On request, the Video Service allows interested parties to download and watch Parliament's sittings in all the official languages.

In this same spirit, the European Council, at its meeting of 15-16 June 2006, stressed the importance of allowing the public to view its activities directly, particularly through greater transparency.¹¹ On 15 September 2006 the Council amended its rules of procedure in order to implement this new policy. As a result of these measures, the Council's public deliberations and debates are broadcast on the internet in all the official languages via *video-streaming* on the Council's website.

2. Interinstitutional cooperation

The services responsible for implementing Regulation (EC) No 1049/2001 in the three institutions held an ongoing dialogue throughout 2006 on the legal and technical issues relevant to guaranteeing uniform application of the Regulation, with a view to studying ways of improving public information and access to documents.

VII. CONCLUSIONS

Although less pronounced than in the previous years, a rise (**5.5 %**) was recorded in the total number of requests for access (**1 927**).

5% of the total (**283 requests**) related to documents never previously disclosed.

An analysis of the documents by area of interest shows a rise in requests relating to '**comitology documents (6%)**'.

Distribution of requests by socio-professional category has not changed significantly in relation to previous years. Requests from academic milieus continue to be the largest category (**39%**), together with various interest groups, NGOs and companies, which account for about a quarter of the requests. English is the most used language.

The **positive response rate**, based only on requests for documents that have never been published, is higher than **80%**.

¹¹ See in this connection Parliament's resolution of 4 April 2006 on the Special Report from the European Ombudsman following the draft recommendation to the Council of the Union concerning the publicity of the Council's meetings in its legislative capacity, complaint 2395/2003/GG (2005/2243(INI))(T6-0121/2006); see also the own-initiative report (A6-0056/2006) submitted by the European Parliament's Committee on Petitions on 3 March 2006.

The **reason for refusal** most often given is the exception for reasons of **protection of the decision-making process**, Article 4, paragraph 3 of Regulation (EC) No 1049/2001 (39%), the underlying cause being the rise in the number of requests relating to comitology documents.

There were **5 confirmatory applications** (Article 8 of Regulation (EC) No 1049/2001) in 2006.

A new complaint was lodged with the Ombudsman in 2006 following refusal to grant access to a document on the basis of Article 4, paragraph 1(b), protection of privacy. The Ombudsman closed Complaint 1919/2005/GG, lodged in 2005, with a critical remark.

As regards regulatory and administrative measures, the Bureau adopted by a decision of 13 November 2006 a revised set of rules on administrative processing of confidential documents. By decision of the Secretary-General of 30 January 2006, a committee for declassification of Parliament documents was also set up.

**Statistics on REQUESTS FOR ACCESS TO DOCUMENTS - Register 2006
(situation on 31/12/2006)**

1. TOTAL NUMBER OF REQUESTS INTRODUCED THROUGH THE REGISTER

2002	2003	2004	2005	2006
637	1106	1245	1814	1917

2. NUMBER OF INITIAL APPLICATIONS CONCERNING UNPUBLISHED DOCUMENTS

2002	2003	2004	2005	2006
N/A	165	186	298	283

3. NUMBER OF CONFIRMATORY APPLICATIONS

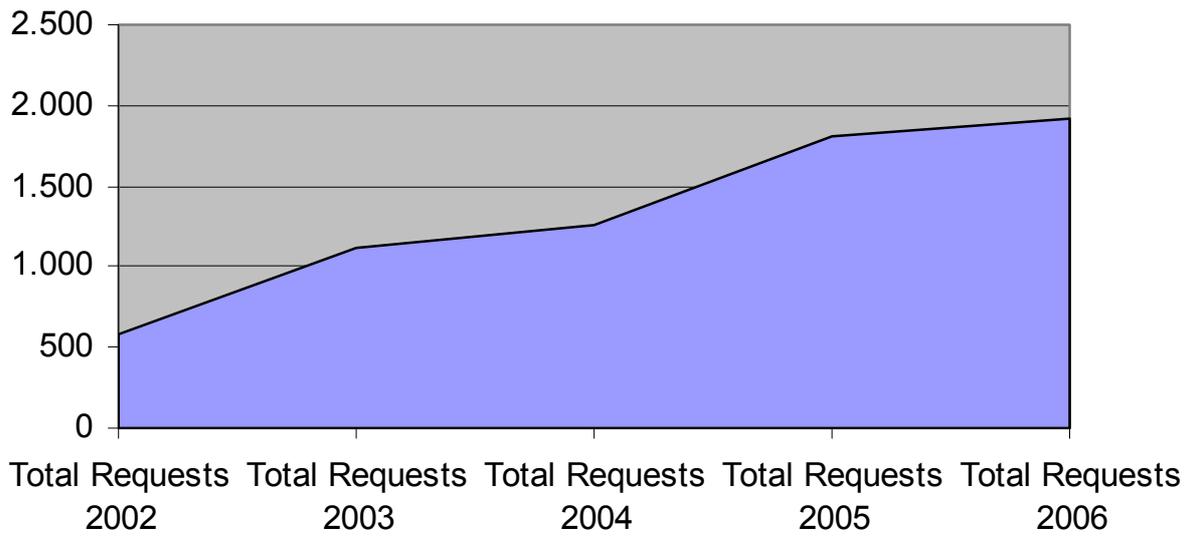
2002	2003	2004	2005	2006
1	1*	1†	10‡	5§

4. COMPLAINTS TO THE OMBUDSMAN IN 2004: 1 - 2005: 2 - 2006: 1

Progress of the number of requests introduced through the Register

* Refusal confirmed (Article 4, paragraph 2 of Regulation (EC) N° 1049/2001)
 † Refusal confirmed (Article 4, paragraph 1 b) of Regulation (EC) N° 1049/2001)
 ‡ Partial access granted in 1 case
 § Partial access granted in 2 cases

Progression of requests from 2002 to 2006



5. LANGUAGE USED BY THE APPLICANT

	2002	2003	2004	2005	2006
ES	11,62%	8,35%	8,10%	5,07%	8,05%
CS	-	-	-	0,83%	0,73%
DA	0,78%	0,72%	0,48%	0,55%	0,52%
DE	17,27%	16,70%	15,48%	18,52%	13,09%
ET	-	-	-	0,11%	0,10%
EL	1,41%	0,81%	1,43%	0,55%	0,94%
EN	28,10%	41,29%	41,03%	43,66%	41,42%
FR	23,39%	16,79%	16,90%	12,57%	21,23%
IT	10,20%	7,45%	6,11%	3,86%	3,91%
LV	-	-	0,08%	0,17%	0,63%
LT	-	-	-	-	-
HU	-	-	0,24%	0,39%	0,73%
MT	-	-	-	0,06%	-
NL	3,61%	4,58%	6,59%	9,26%	5,95%
PL	0,31%	-	0,63%	1,32%	2,24%
PT	2,04%	1,53%	1,19%	1,27%	1,30%
SK	-	-	0,16%	0,44%	0,68%
SL	-	-	-	-	0,21%
FI	0,40%	0,63%	0,47%	0,66%	0,57%
SV	0,78%	1,17%	1,19%	0,66%	0,37%
AUTRES	0,06	0,08	-	-	0,10%

6. GEOGRAPHICAL SPREAD OF APPLICANTS

	2002	2003	2004	2005	2006
BELGIUM	15,38%	12,93%	15,16%	14,28%	18,10%
CZECH REPUBLIC	0,94%	0,63%	1,03%	1,43%	1,41%
DENMARK	1,57%	1,8%	0,87%	0,88%	0,83%
GERMANY	14,6%	18,31%	16,75%	15,05%	14,50%
ESTONIA	-	0,09%	-	0,11%	0,16%
GREECE	1,73%	1,44%	1,90%	1,10%	1,25%
SPAIN	8,48%	7,72%	6,90%	4,41%	4,69%
FRANCE	13,34%	10,50%	11,83%	9,87%	13,09%
IRELAND	0,63%	1,62%	0,87%	1,27%	0,73%
ITALY	11,30%	9,25%	7,46%	4,36%	5,06%
CYPRUS	-	0,27%	0,08%	0,44%	0,21%
LATVIA	0,31%	0,18%	0,16%	0,22%	0,89%
LITHUANIA	0,16%	0,27%	0,32%	0,17%	-
LUXEMBURG	0,16%	1,35%	1,43%	0,83%	2,03%
HUNGARY	0,16%	0,36%	1,51%	0,99%	0,89%
MALTA	0,16%	0,27%	0,24%	0,44%	0,16%
THE NETHERLANDS	3,92%	4,13%	4,52%	9,10%	7,41%
AUSTRIA	2,35%	1,53%	1,35%	3,69%	1,25%
POLAND	1,26%	1,17%	1,98%	3,03%	3,23%
PORTUGAL	2,83%	1,71%	1,59%	1,16%	1,62%
SLOVENIA	-	0,54%	0,08%	-	0,37%
SLOVAKIA	0,16%	0,54%	0,16%	0,55%	0,78%
FINLAND	0,78%	0,72%	0,71%	1,10%	0,99%
SWEDEN	1,10%	1,71%	2,38%	1,05%	0,83%
UNITED KINGDOM	6,91%	6,28%	5,63%	9,59%	5,53%
CANDIDATE COUNTRIES	0,47%	1,89%	2,62%	3,64%	3,96%

(Bulgaria,Romania,Turkey)					
THIRD COUNTRIES	8,63%	9,61%	10,79%	7,00%	7,51%
NoN SPECIFIED	2,67%	3,23%	1,67%	4,24%	2,50%

7. PROFESSIONAL PROFILE OF APPLICANTS

	2002	2003	2004	2005	2006
CIVIL SOCIETY (Lobbies, industry, NGO, consultants, etc.)	20,96%	27,36%	24,57%	20,59%	21,39%
JOURNALISTS	1,72%	2,12%	1,71%	6,47%	2,88%
LAWYERS	5,84%	3,37%	5,35%	4,04%	6,48%
ACADEMIC WORLD University Research	38,14%	35,36%	35,95%	34,60%	39,39%
ACADEMIC WORLD Libraries	5,84%	4,91%	3,53%	2,79%	3,49%
PUBLIC AUTHORITIES (other than EU institutions)	8,59%	5,39%	7,17%	4,27%	5,10%
MPE, MPE ASSISTANT	1,03%	2,31%	1,59%	1,84%	1,33%
OTHERS (Pensioners, unemployed, etc.)	17,87%%	19,17%	20,14%	25,40%	19,94%

8. REFUSAL PURSUANT ART. 4 OF REGULATION 1049/2001

	2002 ¹	2003 ²	2004 ³	2005 ⁴	2006 ⁵
ARTICLE 4.1a) PROTECTION PUBLIC INTEREST	12,50%	13,16%			
ARTICLE 4.1b) PROTECTION PRIVACY AND INTEGRITY OF THE INDIVIDUAL	12,50%	23,68%	63,64%	77,78%	24,44%
ARTICLE 4.2.1E PROTECTION COMMERCIAL INTEREST				1,85%	8,88%

- ¹ Total number of refusals: 9 - Partial access: 0
² Total number of refusals: 27 - Partial access: 3
³ Total number of refusals: 11 - Partial access: 5
⁴ Total number of refusals: 54 - Partial access: 20
⁵ Total number of refusals: 36 - Partial access: 9

ARTICLE 4.2.2E PROTECTION COURT PROCEEDINGS AND LEGAL ADVICE	75%	60,53%	18,18%	12,96%	24,44 %
ARTICLE 4.2.3E PROTECTION INSPECTIONS AUDITS			18,18%	1,85%	
ARTICLE 4.3 PROTECTION INSTITUTIONS - DECISION- MAKING PROCESS		2,63%		5,56%	40%
ARTICLE 4.5 VETO MEMBER STATES					2,22 %

9. REFUSAL DUE TO REASONS OTHER THAN EXCEPTIONS IN REGULATION 1049/2001

	2002 ¹	2003 ²	2004 ³	2005 ⁴	2006 ⁵
NoN-IDENTIFIED DOCUMENTS	76,36%	50,63%	66,13%	43,94%	31,88%
DOCUMENTS NoT ANYMORE AVAILABLE	7,27%	1,27%	1,61%	9,85%	5,80%
FORWARDED FOR FURTHER ACTION TO ANoTHER ORGAN	16,36%	48,10%	32,26%	8,33%	5,07%
REQUEST WITHDRAWN	-	-	-	3,03%	12,32%
ADMINISTRATIVE CODE OF CONDUCT**	-	-	-	34,85%	44,93%

¹ Total number of refusals: 55

² Total number of refusals: 77

³ Total number of refusals: 62

⁴ Total number of refusals: 78

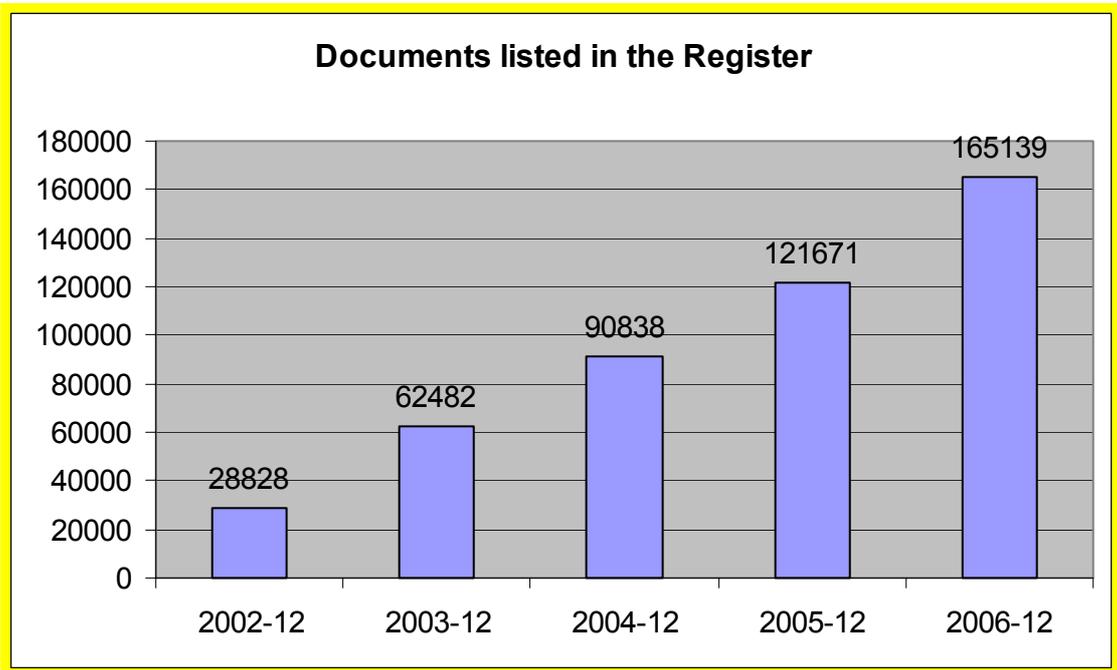
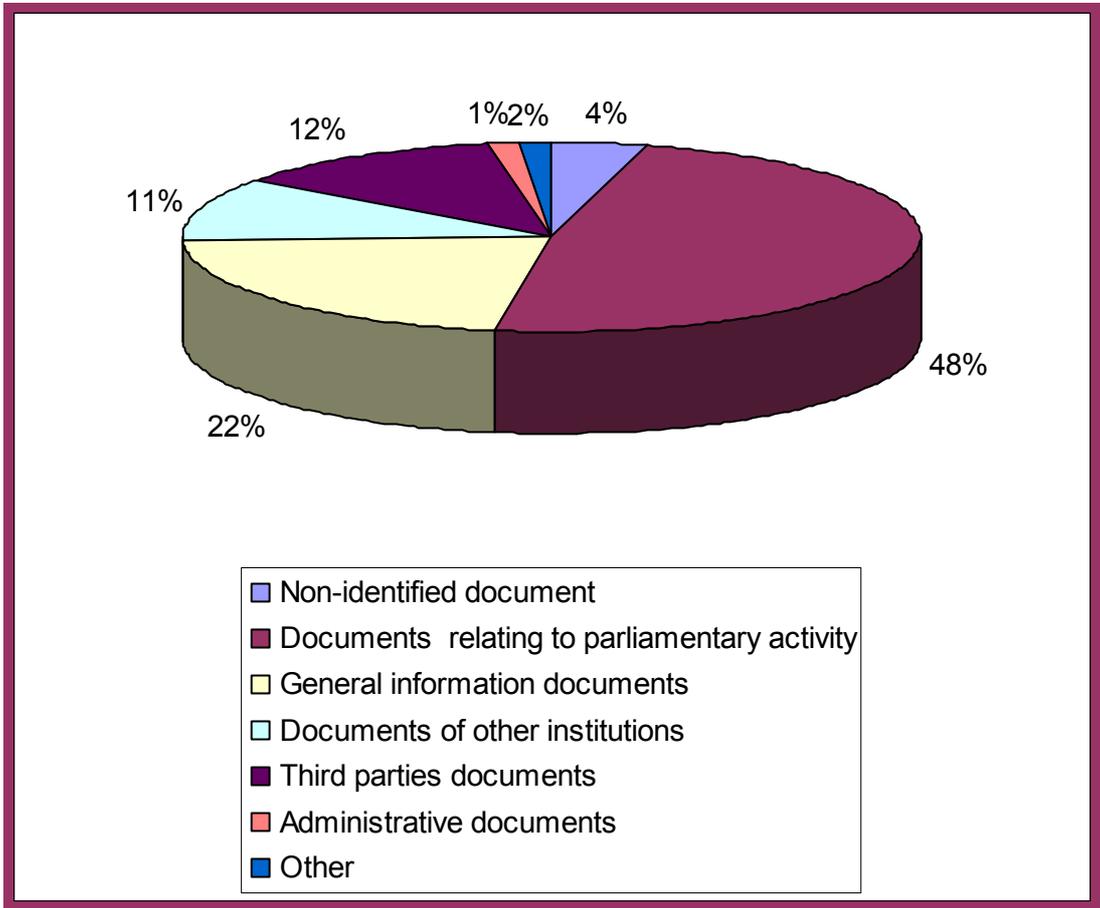
⁵ Total number of refusals: 138

** Part III A. 2. "Officials and other servants are not obliged to acknowledge receipt of requests submitted in such number or so repeatedly or systematically that they can be said to constitute an abuse."

10. TYPE OF DOCUMENTS

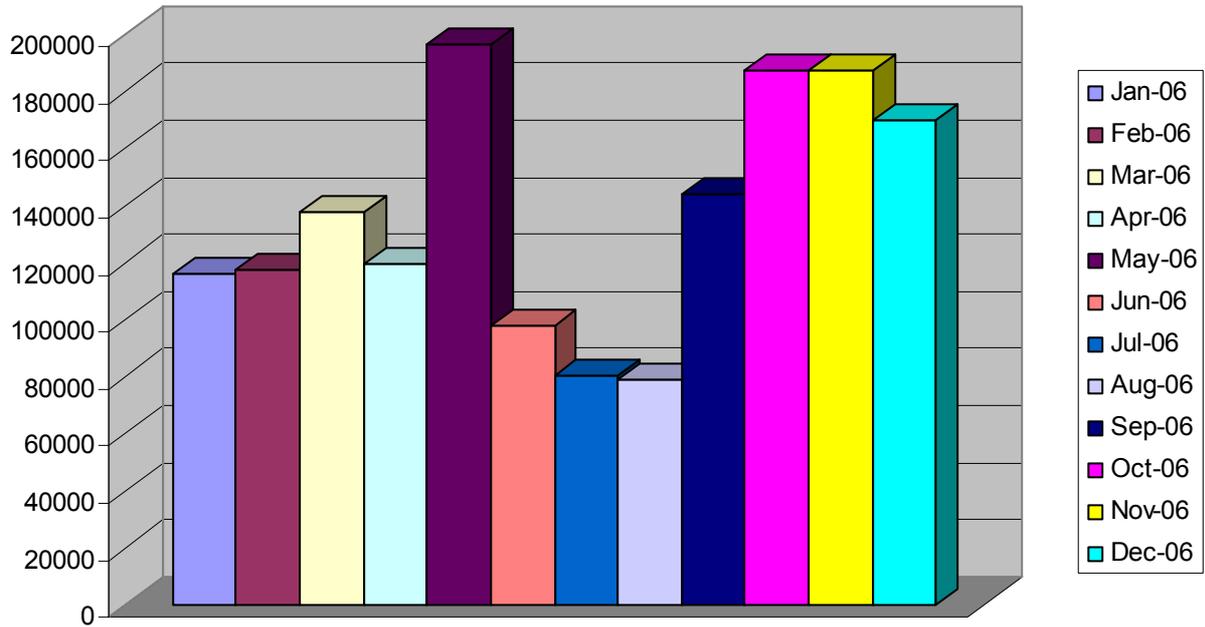
	2002		2003		2004		2005		2006		
	%		%		%		%		%		
1. Documents relating to parliamentary activity	38,79		35,61		34,60		46,22		48,25		
Rules of Procedure		1,23		0,80		0,25				0,32	
Members' activities		0,88		0,70		2,90		7,53		3,84	
Member's declarations of financial interests			0,35		0,50		0,08		0,22	0,11	
Parliamentary questions and answers			0,53		0,20		2,82		7,31	3,40	
Written declarations (Art. 116)										0,22	
Plenary Documents		20,71	20,53		22,94	22,84		20,08	2,90	24,45	7,31
Agendas											0,05
Tabled texts (motions for resolution/reports)						0,10		8,96		9,71	12,04
Amendments								0,50		0,22	1,08
Adopted Texts (including Interinstitutional Agreements)			0,18					6,64		6,79	14,42
Minutes									0,07		0,59
Verbatim report of proceedings (debates)								0,91		0,67	1,40
Roll-call votes								0,17		0,22	0,05
Committees and Delegations		0,88			1,91			4,98	3,15	9,91	7,53
Agendas											0,05
Working documents									0,52		6,32
Communications to Members						0,10		0,17		0,07	0,49
(Draft) opinions								0,41		0,15	0,27
Draft reports										0,67	0,70
Amendments								0,17		0,22	0,32
Minutes								0,83		0,45	0,38
Verbatim - tapes			0,88		1,81			0,25		0,30	0,54
Conciliation							0,08				0,54
Studies/Research Notes							2,24		1,79		1,35
Political bodies		15,09	14,74		9,25	9,15		2,66	1,33	2,54	1,79
Bureau								1,08		0,75	2,97

Administration bodies / Personal dossiers															0,86
Award of contract									0,25						
6. Other	6,49			7,75			2,24			2,68			1,51		
7. Non-identified document	9,65			4,73			3,15			2,24			4,21		



Total Documents	References	Files
December 2006	165139	1021599

Number of views in Register for each month of 2006



Number of confidential documents received

2003	2004	2005	2006
16	5	8	21

