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COMMISSION OF THE EUROPEAN COMMUNITIES

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REPORT FROM THE COMMISSION

**on the application in 2005 of Regulation (EC) No 1049/2001 regarding public access to
European Parliament, Council and Commission documents**

FOREWORD

Article 17(1) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ provides that each institution must publish an annual report stating the number of cases in which it has refused to grant access to documents and the reasons for such refusals. The report must also specify the number of sensitive documents for which references have not been included in the public register of documents.

This report on 2005 is the fourth report submitted by the Commission under this provision.

The annex to this report contains statistics on the processing of applications for access. The figures for the four years of application of the Regulation are set out in a series of tables showing how implementation has evolved. The statistics refer only to applications for access to unpublished documents and do not cover orders for published documents or requests for information.

1. Transparency policy

In 2005 the European Transparency Initiative was launched, in line with the Commission's strategic objectives for 2005-2009. Following a first policy debate at its meeting of 18 May 2005², the Commission decided to launch the initiative on 9 November 2005. It comprised three sets of measures.

1.1. Improving access to information:

- publishing information on the final beneficiaries of EU funds;
- achieving better synergy between databases to expand the scope of the register.

1.2. Publishing a green paper in 2006 to launch debate on:

- a legal obligation for Member States to publish the information about the end beneficiaries of Community funds under shared management;
- the activities of interest groups;
- the Commission's consultation practices.

1.3. Launching inter-institutional debate on the legislation regarding public access to documents, based on the Report from the Commission on the implementation of the principles in EC Regulation No 1049/2001³ and on public consultation concerning possible revision of the Regulation.

2. Online registers and sites

¹ OJ L 145, 31.5.2001, p. 43.

² See minutes of 1702nd meeting of the Commission.

³ Report of 30 January 2004, COM(2004) 45.

- 2.1. At the end of 2005, the register of Commission documents recorded 61 085 documents (see annexed table).
- 2.2. Article 9(3) of the Regulation provides that documents defined as "sensitive"⁴ may be recorded in the register only with the consent of the originator. In 2005 no sensitive document within the meaning of this provision was included in the register.
- 2.3. Following an undertaking by the Commission's President to the European Parliament, a specific register of expert groups was set up on 3 October 2005. The register provides an overview of all the advisory bodies which assist the Commission and its departments in preparing legislative proposals and policy initiatives. A register of committees assisting the Commission in the exercise of the implementing powers conferred on it by the legislator had already been set up in 2003.
- 2.4. The table below shows the statistics on consultation of the *Openness and Access to Documents* website on EUROPA.

	Number of visitors:	Number of sessions	Pages viewed
Total	98 804	151 176	203 159
Monthly average	8 234	12 598	16 930

3. Cooperation with the other institutions and the Member States

The **Interinstitutional Committee** provided for in Article 15(2) of the Regulation did not meet at political level in 2005. However, the senior officials responsible for applying the Regulation in each of the three institutions⁵ met on 11 November 2005. They decided to cooperate and formalise interinstitutional cooperation at departmental level by setting up two specific working groups,

- a group responsible for coordinating the registers and other information tools, and
- a forum for discussing legal issues concerning application of the regulation.

4. Analysis of access applications

- 4.1. The number of **initial applications**, which had increased constantly since the Regulation was adopted, continued to grow, although not so fast as in 2004. Initial applications registered in 2005 totalled 3 173, an increase of 573, or 22.1%, on the number received in 2004. In 2003 and 2004 the increases had been 53.7% and 70.72% respectively.

⁴ "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)).

⁵ The Deputy Secretary-General of the European Parliament, the Director-General responsible for information and protocol in the Council Secretariat and the Deputy Secretary-General of the Commission.

- 4.2. The number of **confirmatory applications** remained more or less constant at 167 in 2005 as against 162 in 2004.
- 4.3. There was little change in the **break-down of applications by area of interest**. Competition, customs duties and indirect taxation, the single market and the environment accounted for almost 35% of applications. However, interest grew in enterprise policy, transport and energy, regional policy and cooperation on justice.
- 4.4. There was no significant variation in the break-down of applications by social and occupational categories. Interest groups, NGOs and enterprises accounted for more than 40% of applications.
- 4.5. The **geographical break-down of applications** also remained constant. Almost a quarter of the applications came from persons or bodies established in Belgium because of the number of enterprises, law firms, associations and NGOs operating at European level. Apart from that, the bulk of the applications came from the most highly-populated Member States, i.e. Germany, Italy, France, the United Kingdom, Spain and the Netherlands, which together accounted for more than half the applications. Even in 2005, the share of applications from the new Member States remained modest at 4.58%.

5. Application of the exceptions to the right of access

- 5.1. The percentage of initial applications receiving **positive responses** was very close to that of previous years at 68.24%.

In 64.67% of cases the documents were disclosed in full, while in 3.57% of cases partial access was granted.

This percentage does not take account of the large number of applications for documents already released (about one in five applications). About 2% of the applications concerned documents which did not exist.

- 5.2. The percentage of decisions confirming the initial decision fell slightly from 73.21% to 68.44%. This means that in 31.56% of cases the applicant was granted more extensive access after submitting a confirmatory application.

The percentage of cases in which applications were granted in full after initial refusal fell slightly from 9.09% to 8%. There was, however, a substantial increase, from 17.7% to 23.56%, in cases in which partial access was granted after initial refusal.

The percentage of positive responses at the end of the procedure (69.87%) was almost exactly the same as in 2004 (70%). In 65.08 % of cases the documents were disclosed in full, while in 4.79 % of cases partial access was granted.

- 5.3. The main reason for refusing an initial application continued to be protecting the purpose of inspections, investigations and audits (third indent of Article 4(2)). This was the grounds for 41% of refusals, as against 31.81% in 2004. In most of these cases the applications related to competition files or documents concerning ongoing infringement procedures.

The second reason for refusals was protecting the Commission's decision-making process (Article 4(3)). This accounted for 26.74% of refusals as against 25.44% in 2004.

Protection of commercial interests was the reason cited for 7.39% of refusals at the initial stage, as against 8.33% in 2004.

5.4. The main grounds for confirming refusal of access were the same as those for initial refusal:

- protecting the purpose of investigations (29.77%) and
- protecting the decision-making process (21.10%).

However, the protection of commercial interests was cited more frequently in the processing of confirmatory applications (13.9%).

6. Complaints to the European Ombudsman

6.1. In 2005 the Ombudsman closed nine files on complaints against the Commission for refusing to disclose documents. One complaint gave rise to a draft recommendation, which the Commission followed in part. The Ombudsman closed the case with a critical remark. Five complaints were settled to the satisfaction of the complainant. In one of these cases the Ombudsman made a critical remark but it related to another aspect of the complaint. In one case the complainant withdrew his application for access. Two cases were closed without a finding of maladministration.

6.1.1. Complaint 2229/2003/MHZ

This complaint concerned an environmental infringement procedure, initiated following a complaint from an NGO. In this connection the NGO contested the refusal to disclose documents exchanged with the Spanish authorities under the procedure.

The Ombudsman concluded that the refusal of access was not maladministration, but he made a critical remark concerning the length of the infringement procedure.

6.1.2. Complaint 2403/2003/MF

A Member of the European Parliament applied for access to documents concerning two infringement proceedings about VAT exemptions for the Catholic Church in Spain and Portugal. The Commission released the documents on these two cases apart from a Legal Service opinion and the documents submitted by the Member States concerned, who opposed disclosure. The Ombudsman closed the complaint without finding maladministration on the Commission's part.

6.1.3. Complaint 948/2004/OV

An NGO wished to see the Commission's third report on economic and social cohesion before it was adopted. An administrative problem held up the processing of the application. As the report was adopted and published in the meantime, the application became redundant.

6.1.4. Complaint 1368/2004/GG

The complainant, a company participating in an environmental project in China whose contract had been terminated by the Commission, contested the refusal to give it access to documents concerning the services of the expert whom it had seconded. The reason for refusal was protection of the expert's personal data and commercial interests. The Ombudsman invited the Commission to reconsider its position and the Commission partially disclosed thirteen documents with the personal data deleted, but still refused to disclose three other documents. The Ombudsman nevertheless closed the case with a critical remark.

6.1.5. Complaint 1798/2004/PB

The complainant had submitted two applications for access to documents. One concerned security measures adopted after the attacks in Madrid on 11 March 2004 and the other concerned discussions on harmonising the length of prison sentences. The complainant did not contest the content of the replies, but only the fact that the time limit of fifteen days for processing applications had been exceeded for his first application. When the Ombudsman had established that the matter had been settled, he closed the file with a remark.

6.1.6. Complaint 2821/2004/OV

A Greek environmental NGO contested the partial access it was granted by the Commission to a mission report on the implementation of a Court judgment on an infringement case. As the Commission had launched a new infringement procedure under Article 228 of the EC Treaty, part of the document had been masked to avoid prejudicing the ongoing negotiations with the Greek authorities. The Ombudsman closed the complaint and found that there had been no maladministration on the Commission's part.

6.1.7. Complaint 3381/2004/TN

This complaint also concerned an environmental infringement procedure, initiated following a complaint from a residents' association. During the investigation, the Commission had refused access to documents exchanged with the UK authorities. After the infringement procedure was closed, the Commission disclosed its own documents and the answers of the UK authorities after consulting them. As the affair had been settled to the complainant's satisfaction, the Ombudsman closed the file.

6.1.8. Complaint 116/2005/MHZ

A Member of the European Parliament was refused access to a letter sent by the Portuguese Ministry of Finance under a procedure concerning excessive deficits. When the Ombudsman consulted the new Portuguese government, it made no objection to disclosure of the letter. Following the Ombudsman's recommendation, the Commission disclosed the letter.

6.1.9. Complaint 1777/2005/GG

A German lawyer contested OLAF's refusal of access to the file on an ongoing investigation of a project in Lesotho. As OLAF closed its investigation without further action, the complainant withdrew his application.

6.2. Apart from complaints 116/2005/MHZ and 1777/2005/GG, described above, the Ombudsman received a further 13 complaints concerning refusal of access to documents in 2005.

7. Court actions

7.1. The Court of First Instance handed down two judgments and three orders on cases relating to Commission decisions completely or partially refusing access to documents under Regulation 1049/2001.

7.1.1. Court judgment of 17 March 2005 in case T-187/03, *Isabella Scippacercola v Commission*:

The Court confirmed that the right of a Member State to oppose disclosure of a document from that Member State under Article 4(5) of the Regulation extends to documents not drawn up by an authority of that State sent to one of the institutions by that State.

7.1.2. Court judgment of 13 April 2005 in case T-2/03, *Verein für Konsumenteninformation v Commission*:

The Court annulled the Commission's decision refusing access to the file on a cartel case, pointing out that the institution is required to make a concrete, individual assessment of the documents requested. However, in exceptional cases the institution may, on the basis of the principle of proportionality, dispense with such concrete, individual assessment, but only after studying all the other possible options and giving a thorough explanation of why these options would also constitute a disproportionate administrative burden.

7.1.3. Order of the Court of 8 June 2005 in case T-287/03, *Società imballaggi metallici Salerno Srl v Commission*:

This case concerned access to correspondence with the Italian authorities in connection with State aid. The subject of the case was identical to that in case T-76/02, *Messina v. Commission*, in which the Court had judged that, as the Italian authorities had opposed disclosure of the letters which they had sent to the Commission, the Commission was obliged to refuse access. The Court rejected the action as manifestly lacking any foundation in law.

7.1.4. Order of 15 June 2005 in case T-98/04 (same applicant as in the above case, together with other Italian enterprises):

This case is linked to the preceding case, but the action concerned the annulment a Commission decision finding State aid to be compatible with the common market. Under this procedure the applicants, as a measure of organisation of procedure, applied for access to the letters concerning the aid scheme sent to the Commission by the Italian authorities. The application was dismissed as inadmissible.

- 7.1.5. Order of the President of the First Chamber of the Court of First Instance of 2 June 2005 in case T-237/04, *Ultradent Products Inc. v Commission*:

The case was removed from the register following withdrawal by the applicant.

- 7.2. Thirteen new actions against Commission decisions under Regulation 1049/2001 were submitted in 2005. Eleven of them are still pending while one has been removed from the register and one declared inadmissible.

- 7.2.1. *A.S.TER*, case T- 409/05⁶:

The applicant is a company in which the main shareholder is the municipality of Genoa. It wished to obtain access to the documents which had given rise to an investigation of a suspected infringement of Community public procurement rules. Access was refused on the grounds that disclosure would prejudice the ongoing investigation. The applicant contests the application of this exception and cites violation of the adversarial principle.

- 7.2.2. *Borax Europe Ltd*, cases T-121/05 and T-166/05⁷:

This action was submitted by an enterprise which contests the Commission's decision to refuse it access to documents and in particular to the sound recording of a group of experts' meeting to prepare the 30th adaptation to technical progress of the Directive on the classification, packaging and labelling of dangerous substances. In particular, the documents concern the classification of boric acid and borates.

- 7.2.3. *Editions Odile Jacob*, case T-237/05⁸:

The applicant, who submitted two actions for annulment of Commission decisions relating to a merger, also submitted an application for access to documents concerning the concentration. Its action is against the decision refusing access.

- 7.2.4. *Internationaler Hilfsfonds eV*, case T-141/05⁹:

The applicant is an NGO active in the humanitarian field. Following the Commission's termination of a contract, the NGO applied for full access to the relevant file. The Commission granted access to the bulk of the file, but withheld certain documents as confidential. The applicant submitted a complaint to the Ombudsman, who closed the complaint with a critical remark. The applicant then repeated its application for full access to the file. As the Commission maintained its position, the applicant brought an action before the Court.

- 7.2.5. *Muñiz*, case T-144/05¹⁰:

This application, submitted by a specialist lawyer, concerned access to the minutes of a working party set up in the Customs Code Committee and to other documents

⁶ OJ C 22, 28.1.2006, p. 19.

⁷ OJ C 143, 11.6.2005, p. 38; OJ C 155, 25.6.2005, p. 29.

⁸ OJ C 205, 20.8.2005, p. 32.

⁹ OJ C 143, 11.6.2005, p. 40.

¹⁰ OJ C 132, 28.5.2005, p. 36.

within the Committee's competence. The Commission refused to disclose the documents as they concerned matters on which no decision had yet been taken.

7.2.6. MyTravel, case T-403/05¹¹:

The applicant, under the name "Airtours plc", had obtained annulment of a Commission decision on a merger¹². As part of a claim for damages for the harm it had allegedly suffered¹³, the applicant applied for access to the report drawn up within the Commission following annulment of the merger decision, and to associated documents. The action is for the decision refusing access to some of the documents to be annulled.

7.2.7. Navigazione Libera del Golfo, cases T-109/05 and T-444/05¹⁴:

The navigation company submitted two applications for access to data concerning the extra costs involved in the operation by a competing company of a sea transport service under a public service arrangement. This information is contained in a confidential version of the decision on aid notified by the Italian authorities, but was deleted from the public version of the decision.

7.2.8. Nomura, case T- 233/05¹⁵:

The applicant submitted an action against a Commission decision on State aid in the Czech Republic and applied for access to the preparatory file for this decision. The Commission rejected the application on the basis of the following exceptions: protection of the investigation, which was not closed as an appeal had been lodged against the decision, the Czech authorities' opposition to disclosure of the documents which they had sent to the Commission and protection of internal deliberations. The applicant contests the grounds for the refusal and invokes an overriding public interest in the disclosure.

7.2.9. Verband der Internationalen Caterer in Deutschland eV, case T-5/05¹⁶:

The applicant brought an action against the Commission's decision, on the grounds of opposition from the German authorities, to refuse access to an application from Germany to introduce derogating measures under the Sixth VAT Directive

This case was removed by Court order of 27 January 2007¹⁷.

7.2.10. Weber, case T-290/05¹⁸:

¹¹ OJ C 10, 14.1.2006, p. 29.

¹² Case T-342/99 Airtours v Commission.

¹³ Case T-212/03 MyTravel v Commission.

¹⁴ OJ C 106, 30.4.2005, p. 43; OJ C 48, 25.2.2006, p. 40.

¹⁵ OJ C 217, 3.9.2005, p. 46.

¹⁶ OJ C 82, 2.4.2005, p. 32.

¹⁷ OJ C 69, 24.3.2007, p. 29.

¹⁸ OJ C 257, 15.10.2005, p. 12.

This action concerns access to the file on an investigation of the financing of public radio broadcasting bodies in Germany. The applicant asked the Court to issue an order directing the Commission to disclose the documents.

By order of the Court of 11 December 2006 the action was dismissed as manifestly inadmissible.

7.2.11. Williams, case T-42/05¹⁹:

The applicant, a university assistant, applied for access to documents relating to the drafting of legislation on genetically modified organisms. She contests the partial access granted to her.

8. Conclusion

Growing public interest in access to unpublished Commission documents was confirmed in 2005. As in previous years, a large proportion of the applications (more than 40%) came from enterprises, NGOs, law firms and a variety of interest groups.

The overall picture that emerges from analysis of access applications is that a large proportion of them relate to Commission monitoring of the application of Community law. In a very large number of cases access was applied for in order to obtain documents likely to support the applicant's position in a complaint concerning, for example, an alleged infringement of Community law or an administrative or judicial action. These applications generally relate to large volumes of documents, analysis of which gives rise to a substantial administrative burden.

The most frequent grounds for refusal are protection of the following interests: the purpose of investigations, the commercial interests of enterprises and the Commission's decision-making process. The latter exception is cited more to protect decision-making on individual issues than the legislative process. In the legislative field, more and more documents are made available to the public directly, without waiting for applications for access. The Commission's Directorates-General have developed their websites on specific policies and have used them to make a large number of documents publicly available.

Most of the complaints closed by the Ombudsman in 2005 were settled to the satisfaction of the complainant. The number of complaints to the Ombudsman concerning application of Regulation (EC) No 1049/2001 remained stable in 2005 despite the increase in applications for access.

The Court of First Instance confirmed its earlier rulings on two points:

- Member States are entitled to oppose disclosure of documents which they have sent to an institution and
- there is a requirement in principle for concrete, individual assessment of documents to which access is requested.

¹⁹ OJ C 93, 16.4.2005, p. 34.

The Court also clarified that Regulation (EC) No 1049/2001 concerns public access to documents and the particular interest that may be cited by an applicant is not relevant to evaluation of the validity of a decision to refuse access.

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ANNEX

Statistics relating to the application of Regulation No 1049/2001

2002-2005

CONTENTS OF THE REGISTER

	COM	C	OJ	PV	SEC	Total
2001	1.956	5.389	-	-	4.773	12.118
2002	2.095	6.478	134	116	3.066	11.889
2003	2.338	6.823	135	113	2.467	11.876
2004	2.327	7.484	134	145	2.718	12.808
2005	2.152	7.313	129	126	2.674	12.394
Total	10.868	33.487	532	500	15.698	61.085

INITIAL REQUESTS

1. Number of initial requests

2002	2003	2004	2005
991	1 523	2 600	3 173

2. Number of identifiable documents taken into consideration

2002	2003	2004	2005
2 150	2 936	4 051	4 534

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

2002	2003	2004	2005
44	64	105	122

4. Rate of positive replies during the initial stage

	2002	2003	2004	2005
Full access		66.83	64.8	64.67
Partial access		2.48	3.39	3.57
Total	66.5	69.31	68.19	68.24

CONFIRMATORY REQUESTS

5. Number of confirmatory requests

2002	2003	2004	2005
96	143	162	167

6. Breakdown of decisions on confirmatory requests (%)

	2002	2003	2004	2005
Confirmation	66.9	61.57	73.21	68.44
Partial revision	9.2	8.29	17.70	23.56
Full revision	23.9	30.13	9.09	8.0

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

	2002	2003	2004	2005
Full access	62.4	69.5	65.45	65.08
Partial access	8.3	3.32	4.58	4.79
Total	70.7	72.82	70.00	69.87

BREAKDOWN OF REQUESTS

8. According to professional profile of requesters (%)

	2002	2003	2004	2005
Members of the public whose professional profile was not indicated	31.8	30.16	32.15	31.89
Civil society (interest groups, industry, NGOs, etc.)	17.8	23.48	27.31	29.44
Lawyers	22.4	20.46	13.65	11.00
Academics	12.3	11.15	11.23	10.49
Other EU institutions	3.1	6.16	5	3.78
Public authorities (other than the EU institutions)	8.6	5.57	10.15	12.32
Journalists	3.8	3.02	0.5	1.07

9. According to geographical origin (%)

	2002	2003	2004	2005
Belgium	23	25.05	26.42	22.63
Germany	10.9	12	12.77	13.24
Italy	9.6	8.85	10.35	9.77
France	10.3	7.80	8.62	9.71
Not specified	12.3	12.59	5.65	7.44
United Kingdom	8.8	7.87	8	6.62
Spain	5.4	5.25	5.69	5.52
Netherlands	6.4	6.30	4.96	5.29
Denmark	1.6	2.36	2.08	2.14
Austria	2.1	0.98	1.73	1.92
Greece	1.2	1.97	1.54	1.92
Ireland	2	1.38	1.19	1.70
Portugal	1.2	0.59	1.38	1.54
Poland			1.58	1.48
Sweden	1.3	1.18	1.19	1.10
Finland	0.5	0.59	0.69	0.88
Switzerland			0.62	0.85
United States			0.92	0.69
Luxembourg	0.4	1.11	0.65	0.66
Czech Republic			0.5	0.63
Hungary			0.73	0.60
Norway			0.35	0.44
Slovakia			0.27	0.38
Malta			0.27	0.35

Lithuania			0.19	0.28
Latvia			0.08	0.28
Bulgaria			0.04	0.25
Slovenia			0.23	0.19
Cyprus			0.31	0.16
Canada			0.12	0.16
Romania			0.12	0.16
Estonia			0.15	0.13
Liechtenstein			0.15	0.09
Turkey			0.12	0.09
Croatia			0.04	0.09
Russia			0.12	0.06
Brazil				0.06
China (incl. Hong Kong)				0.06
Israel				0.06
Mexico				0.06
Albania				0.03
Egypt				0.03
Iceland				0.03
India				0.03
Japan			0.04	0.03
Macedonia (FYROM)			0.04	0.03
Taiwan				0.03
Ukraine				0.03

2002

2003

2004

2005

EU countries	84.7	83.35	91.58	89.13
Not specified	12.3	12.59	5.65	7.50
European countries not members of the EU (including candidate countries)	1.7	0.93	1.24	2.10
Non-European countries	1.3	0.99	1.24	1.24
Candidate countries		2.14	0.27	0.54

10. According to areas of interest (%)

	2002	2003	2004	2005
Competition	12.7	13.7	14.58	12.70
Secretariat-General, Cabinets and Policy advisors	15.9	10.62	8.66	9.41
Environment	6.2	7.41	7.23	8.19
Internal market	10.3	8.79	8.5	8.01
Transport and energy	2.9	3.54	5.54	6.37
Taxation and customs union	10.6	10.82	7.5	6.27
Justice, freedom and security	2.2	2.3	3.81	4.70
Enterprise policy	3.9	3.08	3.31	4.63
Agriculture	4.8	4.59	5.15	4.44
Regional policy	0.8	2.16	2.96	3.91
External aid and development	0.9	2.56	2.39	3.06
Health and consumer protection	4.4	4	2.38	2.68
Employment and social affairs	3.2	3.48	4.15	2.62
Administration, personnel and recruitment	3.2	3.21	2.35	2.23
Budget and internal audit	2.9	2.82	2.19	2.11
Enlargement	1	1.25	1.31	1.99
Economic and financial affairs	1.1	1.57	1.92	1.92
External relations	2.1	2.16	2.5	1.92
Legal questions	3	2.3	2.81	1.92

Information technology and media			0.88	1.83
External trade	1.1	2.03	2.27	1.67
Fisheries	0.6	0.72	1	1.64
Fraud protection	2.4	2.23	2.12	1.39
Research and technology	1.7	1.97	1.92	1.36
Education and culture	0.5	1.18	1.38	1.07
Press and communication	0.8	1.05	0.69	0.69
Statistics	0.1	0.39	0.15	0.32
Interpretation and translation	0.8	-	0.31	0.25
Official publications	-	0.07	0.04	0.03

BREAKDOWN OF REFUSALS OF ACCESS ACCORDING TO THE EXCEPTION APPLIED

11. Initial requests (%)

	2002	2003	2004	2005
Public security	-	0.21	0.36	0.29
Defence and military matters	0.46	0.31	0.72	0.14
International relations	1.8	5.33	4.84	4.08
Financial, monetary or economic policy	0.46	1.05	8.06	2.53
Personal data	5.2	4.39	5.20	3.31
Commercial interests	3.7	8.89	8.33	7.39
Court proceedings and legal advice	3.7	9	8.15	8.59
Inspections, investigations and audits	35.9	37.55	31.81	41.03
Decision not taken		11.82	10.57	12.60
Internal deliberations	8.6	9.10	14.87	14.50
Confidentiality requested by the Member State from which the document originates	2.1	5.96	2.6	3.73
No reply or inadequate motivation	19.6	6.07	4.48	2.68

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

12. Confirmatory requests (%)

	2002	2003	2004	2005
Public security	-	-	0.35	-
Defence and military matters	-	-		-
International relations	7.2	7.76	4.21	5.01
Financial, monetary or economic policy	-	-	8.07	0.56
Personal data	0.6	6.85	9.12	10.31
Commercial interests	3.3	11.87	15.79	13.09
Court proceedings and legal advice	4.4	14.61	5.61	11.14
Inspections, investigations and audits	29.4	30.14	26.32	29.25
Decision not taken	1.6	3.65	12.98	8.08
Internal deliberations		14.61	8.77	12.81
Confidentiality requested by the Member State from which the document originates	4.4	10.5	8.77	9.75

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