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REPORT FROM THE COMMISSION

**on the application in 2024 of Regulation (EC) No 1049/2001 regarding public access to
European Parliament, Council and Commission documents**

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1. INTRODUCTION

This annual report is drafted in accordance with Article 17(1) of Regulation (EC) No 1049/2001¹ regarding public access to European Parliament, Council and Commission documents (hereafter ‘Regulation (EC) No 1049/2001’). It explains how the European Commission implemented Regulation (EC) No 1049/2001 in 2024 based on statistical data² summarised in the Annex. It also draws on the findings of the European Ombudsman on the European Commission’s implementation of Regulation (EC) No 1049/2001 and the rulings handed down by the EU Courts.

Transparency, integrity and accountability are the essential prerequisites of democracy based on the rule of law. They are key principles to promote good governance and build trust in the decision-making process, enhancing the legitimacy and credibility of public institutions. Further to the Political Guidelines³, the general part of the mission letters to Commissioners⁴ commits the College to the principles of openness and transparency in its relations with the co-legislators, interest representatives and the public. Safeguarding citizens’ right of access to documents was a cornerstone of the European Commission’s pledge for transparency under the former mandate⁵ and remains an integral part of the 2024-2029 priorities⁶. The statistics on fully or partially disclosed documents, detailed in Chapter 4, demonstrate the European Commission’s commitment to enabling the public to exercise their right of access to documents, as part of the broader transparency policy.

On 4 December 2024, the European Commission adopted its new Rules of Procedure⁷. The revised detailed rules for the application of Regulation (EC) No 1049/2001 are laid down in its Annex in order to improve the clarity, predictability and consistency of the Commission’s access to documents policy. Article 3 of the Annex further enhances proactive transparency by listing categories of documents that shall be directly accessible to the public.

In the European Commission, initial applications for access to documents are handled on a decentralised basis by each Commission department. In 2024, there were 6 938 initial applications. The number of confirmatory applications, whereby applicants request a review of the initial replies partially or fully refusing access, reached 641.

Confirmatory applications are handled centrally by the Secretariat-General’s Unit for Transparency, Document Management and Access to Documents, to ensure an independent

¹ 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; OJ L 145, 31.5.2001, p. 43.

² Percentages are rounded to the nearest decimal place. The statistics include, *inter alia*, the number of applications received and replies provided in 2024. They provide more accurate data than was possible in previous years, following regular checks and corrections. For this reason, the figures provided in this report and the previous ones may differ slightly.

³ https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en

⁴ https://commission.europa.eu/about/organisation/college-commissioners_en

⁵ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy_en

⁶ https://commission.europa.eu/priorities-2024-2029/democracy-and-our-values_en

⁷ Commission Decision (EU) 2024/3080 of 4 December 2024 establishing the Rules of Procedure of the Commission and amending Decision C(2000) 3614 (OJ L, 2024/3080, 5.12.2024, ELI: <http://data.europa.eu/eli/dec/2024/3080/oj>).

review of the replies given at the initial stage. This Unit also manages EASE⁸, the European Commission-wide IT system for handling applications for access to documents.

The Commission departments are supported by the Historical Archives Service (HAS), which is involved in cases where applications for access to documents relate to the archives of previous Commissioners and their Cabinets. In 2024, HAS provided assistance in 344 cases, mostly to the Secretariat-General (99) and the Directorates-General for: Climate Action (46); Communications Networks, Content and Technology (32); Internal Market, Industry, Entrepreneurship and SMEs (21); and Research and Innovation (19).

2. MAKING INFORMATION AND DOCUMENTS AVAILABLE ONLINE AND IN REGISTERS

The European Commission proactively publishes a wide range of legal, policy, administrative and other documents on different websites and registers⁹. Many such documents are available in the Register of Commission documents (RegDoc), the Register of delegated and implementing acts and other corporate registers managed by the Secretariat-General. Others are available on websites managed by the Directorates-General or on EUR-Lex¹⁰.

In 2024, 11 276 new documents were added to RegDoc (see Annex – Table 1), in the following categories: C, COM, JOIN, OJ, P, PV, SEC or SWD¹¹.

In 2024, the number of page views reached 7 489 for the ‘Access to Documents’ website on *Europa*¹², 15 007 for the EASE public portal¹³, and 74 259 for RegDoc¹⁴.

3. ANALYSIS OF APPLICATIONS FOR ACCESS TO DOCUMENTS

3.1. Number of applications¹⁵ (Annex – Tables 3 and 4)

As noted above, 6 938 initial applications were made to access documents in 2024. The Commission provided 5 542 replies under Regulation (EC) No 1049/2001 and 6 863 replies in total¹⁶.

⁸ ‘Electronic Access to European Commission Documents’; <https://ec.europa.eu/transparency/documents-request/home>

⁹ https://commission.europa.eu/about-european-commission/service-standards-and-principles/transparency/access-documents/how-access-commission-documents_en.

¹⁰ <https://eur-lex.europa.eu/>

¹¹ C – Commission autonomous acts, including delegated and implementing acts, other types of decisions etc.; COM – Commission proposals, recommendations, communications, reports etc.; JOIN – Commission and High Representative Joint Acts; OJ – Agendas of Commission meetings; P – Decisions by the President of the Commission; PV – Minutes of Commission meetings; SEC – Commission documents that cannot be classified in any of the other series; SWD – Commission staff working documents.

¹² https://commission.europa.eu/about-european-commission/service-standards-and-principles/transparency/access-documents/how-access-commission-documents_en

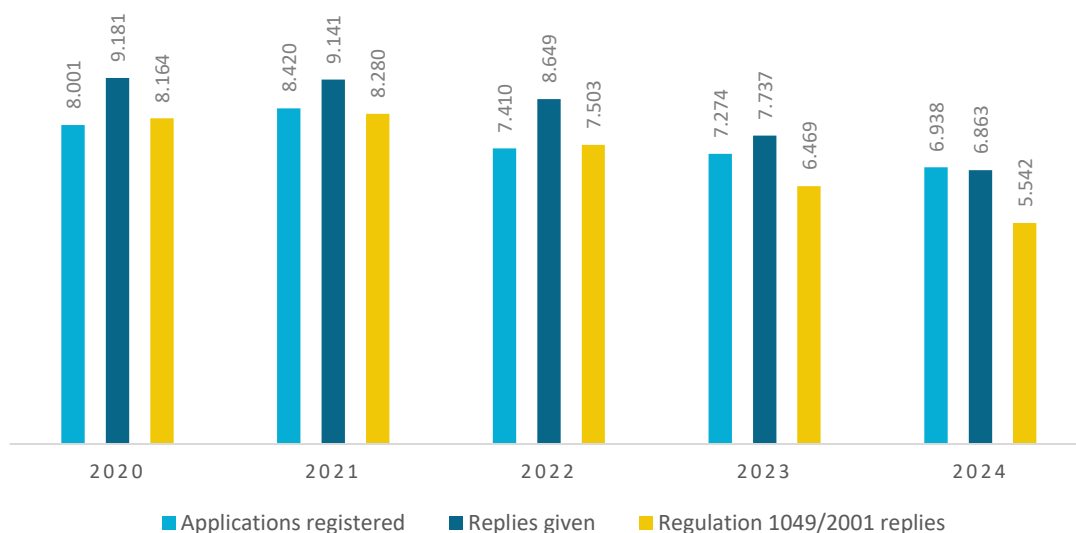
¹³ <https://ec.europa.eu/transparency/documents-request/home>

¹⁴ <https://ec.europa.eu/transparency/documents-register/>

¹⁵ Statistics on the social and occupational profile and geographical origin of applicants are provided in Tables 6 and 7 in the Annex.

¹⁶ A single request can concern several documents held by different Commission departments and can consequently give rise to several different replies. Conversely, several requests can sometimes be grouped together and give rise to a single reply. The number of replies encompasses all types of follow up provided by the European Commission, extending from replies provided under Regulation (EC) No 1049/2001 (including where no documents are held) to responses provided under

INITIAL APPLICATIONS



There were 641 confirmatory applications in 2024, a 7% increase on 2023. The Commission provided 305 replies under Regulation (EC) No 1049/2001 and 514 replies in total.

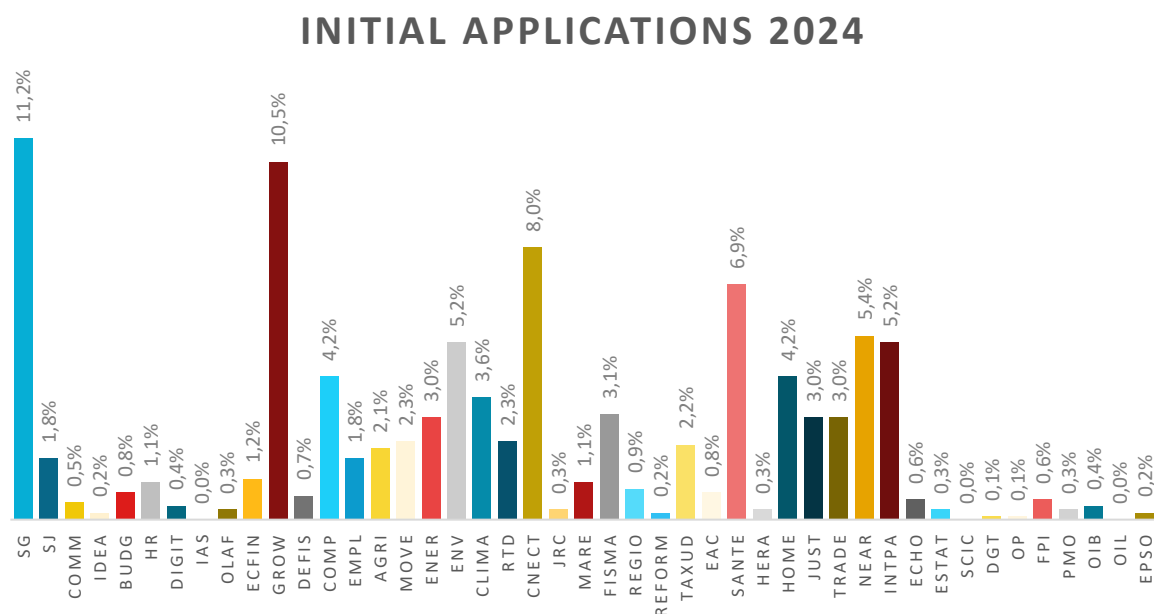
CONFIRMATORY APPLICATIONS



different legal frameworks (due to the contents of the application or status of the applicant, etc.) or closures following the applicants' failure to provide requested clarification or to fulfil procedural requirements. In 568 cases, the Commission confirmed that it did not hold any documents corresponding to the description given in the request.

3.2. Applications received by Directorate-General or Service (Annex – Table 5)¹⁷

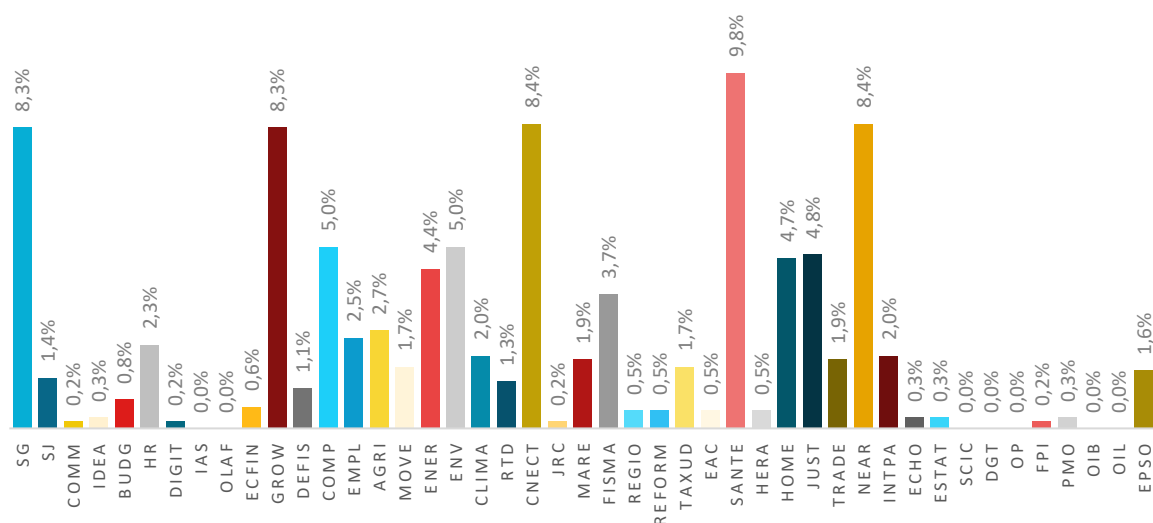
In 2024, the Secretariat-General received the highest proportion of initial applications (11.2%). It was followed by the Directorates-General for: Internal Market, Industry, Entrepreneurship and SMEs (10.5%); Communications Networks, Content and Technology (8%); Health and Food Safety (6.9%); European Neighbourhood and Enlargement Negotiations (5.4%); Environment (5.2%); and International Partnerships (5.2%). The remaining departments each accounted for less than 5% of all initial applications.



In 2024, the highest proportion of confirmatory applications was submitted in cases handled at the initial stage by the Directorate-General for Health and Food Safety (9.8%). It was followed by the Directorate-General for Communications Networks, Content and Technology (8.4%); the Directorate-General for European Neighbourhood and Enlargement Negotiations (8.4%); the Secretariat-General (8.3%); the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (8.3%); the Directorate-General for Competition (5%); and the Directorate-General for Environment (5%). The remaining departments each accounted for less than 5% of all confirmatory applications.

¹⁷ The data for the European Anti-Fraud Office (OLAF) include applications for access to documents related to its administrative activities, which are recorded in the same IT system as used by other European Commission departments (EASE). This report does not cover applications for access to documents concerning OLAF's investigative activities. Since the creation of the European External Action Service (EEAS), only documents of the Service for Foreign Policy Instruments (FPI) are held by the European Commission. The statistics on FPI encompass some initial applications received by the European Peace Facility (EPF). The EPF is an off-budget instrument that enhances the EU's ability to act as a global security provider. Under Commission Decision C(2021) 2011, the European Commission accepted to implement the roles of an administrator, accounting officer and internal auditor for assistance measures of the EPF. Two such initial applications were submitted to the Commission in its role as administrator for assistance measures in 2024. Confirmatory replies are adopted by the EPF's Facility Committee. Therefore, this report does not cover the replies provided by the EPF at the confirmatory stage.

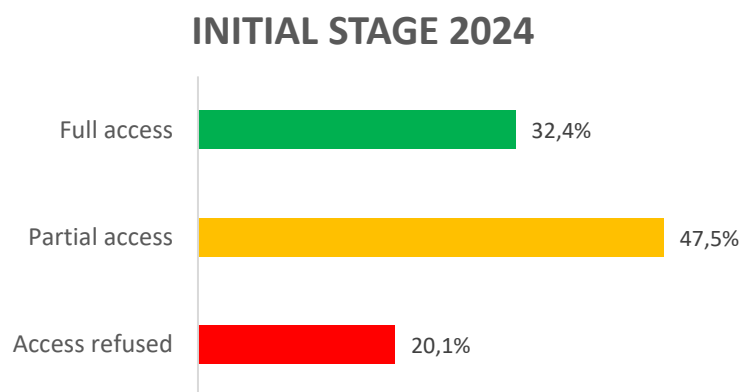
CONFIRMATORY APPLICATIONS 2024



4. EXCEPTIONS TO THE RIGHT OF ACCESS¹⁸

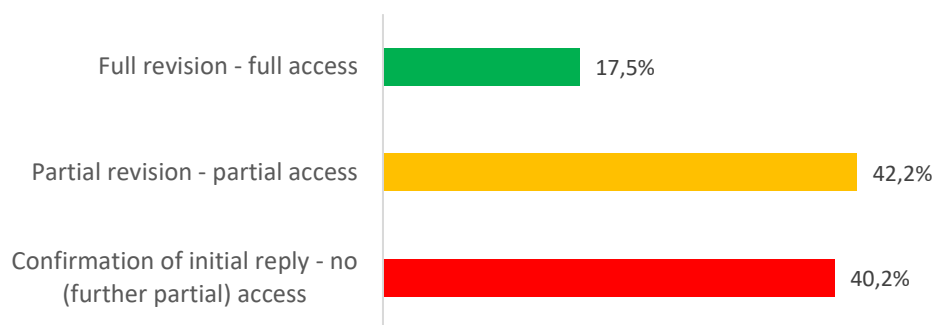
The right of access provided in Regulation (EC) No 1049/2001 is subject to several specific exceptions laid down in Article 4. Any decision to reject access to a document, whether full or partial, must be justified under at least one of these exceptions.

4.1. Level of access granted to the documents requested (Annex – Tables 8 and 9)



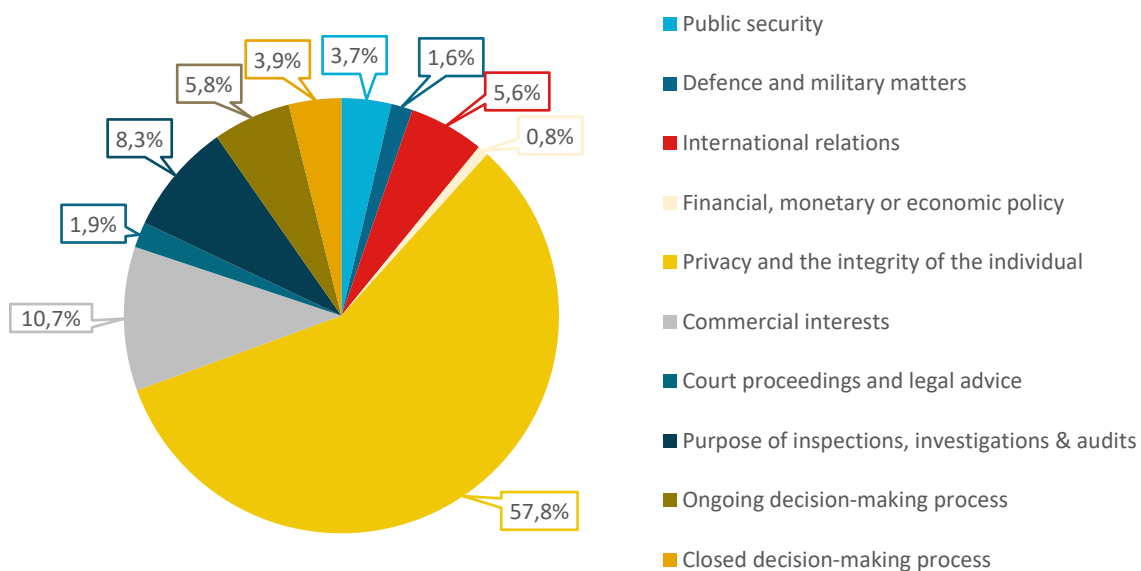
¹⁸ Individual applications may concern several documents or entire files on a specific subject or procedure. The statistics in the previous annual reports, extracted from the decommissioned GestDem system, did not reflect the number of documents requested. Thanks to the EASE design, the figures in Chapter 4 of this report reflect the documents requested in cases handled in EASE and closed in 2024.

CONFIRMATORY STAGE 2024



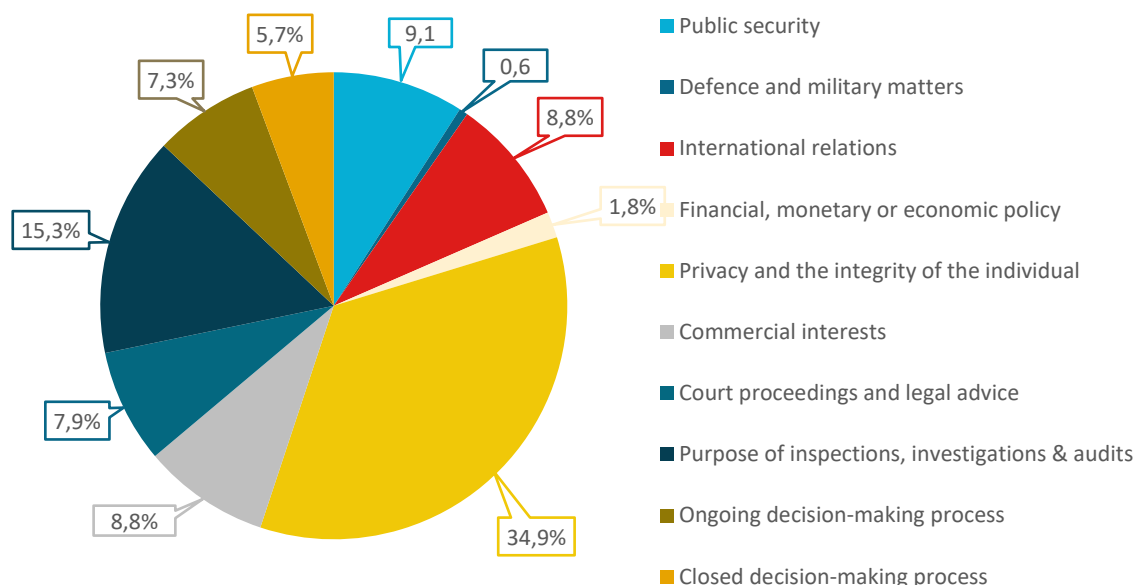
4.2. Exceptions applied to the documents requested¹⁹ (Annex – Table 10)

INITIAL STAGE 2024



¹⁹ Based on Article 4 of Regulation (EC) No 1049/2001.

CONFIRMATORY STAGE 2024



5. COMPLAINTS TO THE EUROPEAN OMBUDSMAN

In 2024, the European Ombudsman opened 115 new inquiries in cases involving the European Commission where access to documents was either the main or a subsidiary part of the complaint and closed 111 complaints²⁰. The European Ombudsman found instances of maladministration in 10 cases²¹. The remaining 101 cases were closed without remarks.

6. NEW CASE-LAW ON ACCESS TO DOCUMENTS

6.1. The Court of Justice

In 2024, the Court of Justice issued three judgments²² and one order²³ on appeals concerning the right of public access to documents under Regulation (EC) No 1049/2001 where the European Commission was a party to the proceedings.

²⁰ The statistics cover European Ombudsman cases for all European Commission departments, except the European Anti-Fraud Office.

²¹ The Ombudsman considered that the delay in providing the applicant with a reply amounted to maladministration in cases 2103/2022 (<https://www.ombudsman.europa.eu/en/case/en/62871>), 409/2023 (<https://www.ombudsman.europa.eu/en/case/en/63458>) and 569/2023 (<https://www.ombudsman.europa.eu/en/case/en/63642>). The Ombudsman considered that the refusal to grant (wider) public access constituted maladministration in cases 2089/2023 (<https://www.ombudsman.europa.eu/en/case/en/65141>), 2347/2023 (<https://www.ombudsman.europa.eu/en/case/en/65397>), 2421/2023 (<https://www.ombudsman.europa.eu/en/case/en/65469>), 177/2024 (<https://www.ombudsman.europa.eu/en/case/en/65697>) and 833/2024 (<https://www.ombudsman.europa.eu/en/case/en/66353>). Moreover, the Ombudsman considered that there was maladministration by the Commission in how it handled the public access requests in cases 208/2024 (<https://www.ombudsman.europa.eu/en/case/en/65730>) and 363/2024 (<https://www.ombudsman.europa.eu/en/case/en/65877>).

²² Judgments of 29 July 2024, *Validity v Commission*, C-51/23 P, EU:C:2024:664; of 5 September 2024, *ClientEarth v Commission*, C-249/23 P, EU:C:2024:691; of 5 March 2024, *Public.Resource.Org and Right to Know v Commission and Others*, C-588/21 P, EU:C:2024:201.

²³ Order of 11 January 2024, *BonSens.org v Stevi and Others*, C-634/23 P(I), EU:C:2024:43.

It dismissed the appeal in three cases²⁴. In one case, it set aside the judgment of the General Court and annulled the decision of the European Commission²⁵.

6.1.1. Clarifications of substantive rules

In 2024, the Court of Justice further clarified the concept of overriding public interest²⁶.

6.2. The General Court

In 2024, the General Court issued 11 judgments²⁷ and six orders²⁸ in proceedings to which the European Commission was a party in relation to decisions concerning the right of public access to documents under Regulation (EC) No 1049/2001.

The action for annulment was dismissed in five cases²⁹. In four cases, the General Court partially annulled the decision of the European Commission and dismissed the action as to the remainder³⁰. In three cases, it declared that there was no longer any need to adjudicate³¹. In two cases, it ordered the removal of the case from the Register of the General Court³².

In one case, it declared that there was no longer any need to adjudicate on the claim for annulment of the implied decision of the European Commission, dismissed the action as inadmissible in so far as it sought annulment of the Commission's decision rejecting the initial request for access, and dismissed the action as to the remainder³³.

In one case, it declared that there was no longer any need to adjudicate on the claim for annulment of the implied decision of the European Commission, partially annulled the explicit decision of the European Commission, and dismissed the action as to the remainder³⁴.

²⁴ Judgments in *Validity v Commission*, C-51/23 P, *op.cit.*; *ClientEarth v Commission*, C-249/23 P, *op.cit.*; and order in *BonSens.org v Stevi and Others*, C-634/23 P(I), *op.cit.*

²⁵ Judgment in *Public.Resource.Org and Right to Know v Commission and Others*, C-588/21 P, *op.cit.*

²⁶ Judgments in *ClientEarth v Commission*, C-249/23 P, *op.cit.* Paragraphs 51, 54-68; *Public.Resource.Org and Right to Know v Commission and Others*, C-588/21 P, *op.cit.* Paragraphs 68-85.

²⁷ Judgments of 10 July 2024, *Hungary v Commission*, T-104/22, EU:T:2024:467; of 13 November 2024, *Pesticide Action Network Europe v Commission*, T-104/23, EU:T:2024:823; of 13 November 2024, *Kargins v Commission*, T-110/23, EU:T:2024:805; of 20 March 2024, *Acampora and Others v Commission*, T-261/23, EU:T:2024:191; of 25 September 2024, *British American Tobacco Polska Trading v Commission*, T-311/23, EU:T:2024:645; of 2 October 2024, *TotalEnergies Marketing Nederland v Commission*, T-332/22, EU:T:2024:660; of 25 September 2024, *Herbert Smith Freehills v Commission*, T-570/22, EU:T:2024:644; of 24 January 2024, *Veritas v Commission*, T-602/22, EU:T:2024:26; of 2 October 2024, *Soares v Commission*, T-606/23, EU:T:2024:667; of 17 July 2024, *Auken and Others v Commission*, T-689/21, EU:T:2024:476; of 17 July 2024, *Courtois and Others v Commission*, T-761/21, EU:T:2024:477.

²⁸ Orders of 20 August 2024, *Oberlin v Commission*, T-194/24; of 18 January 2024, *Del Valle Ruiz and Others v SRB*, T-514/18; of 22 April 2024, *Mylan Ireland v Commission*, T-585/23; of 2 December 2024, *Shopper Union France and Azalbert v Commission*, T-1071/23, EU:T:2024:887; of 1 July 2024, *Smart Kid v Commission*, T-1130/23; of 8 May 2024, *Huhtamaki Holding v Commission*, T-1145/23.

²⁹ Judgments in *Hungary v Commission*, T-104/22, *op.cit.*; *Pesticide Action Network Europe v Commission*, T-104/23, *op.cit.*; *TotalEnergies Marketing Nederland v Commission*, T-332/22, *op.cit.*; *Veritas v Commission*, T-602/22, *op.cit.*; *Soares v Commission*, T-606/23, *op.cit.*

³⁰ Judgments in *Kargins v Commission*, T-110/23, *op.cit.*; *British American Tobacco Polska Trading v Commission*, T-311/23, *op.cit.*; *Herbert Smith Freehills v Commission*, T-570/22, *op.cit.*; *Auken and Others v Commission*, T-689/21, *op.cit.*

³¹ Orders in *Oberlin v Commission*, T-194/24, *op.cit.*; *Shopper Union France and Azalbert v Commission*, T-1071/23, *op.cit.*; *Smart Kid v Commission*, T-1130/23, *op.cit.*

³² Orders in *Del Valle Ruiz and Others v SRB*, T-514/18, *op.cit.*; *Huhtamaki Holding v Commission*, T-1145/23, *op.cit.*

³³ Judgment in *Acampora and Others v Commission*, T-261/23, *op.cit.*

³⁴ Judgment in *Courtois and Others v Commission*, T-761/21, *op.cit.*

In one case, it declared that there was no longer any need to adjudicate on the claim for annulment of the implied decision of the European Commission and dismissed the action as to the remainder³⁵.

6.2.1. Clarifications of substantive rules

In 2024, the substantive clarifications issued by the General Court revolved around the application of exceptions relating to the protection of personal data³⁶, of commercial interests³⁷, of court proceedings³⁸, and of the decision-making process³⁹.

The General Court brought further clarifications to the concepts of databases⁴⁰, overriding public interest⁴¹, unauthorised disclosure⁴², and the general presumption of confidentiality⁴³.

6.2.2. Clarifications of procedural rules

The main procedural issues that the General Court clarified in 2024 concerned Member State consultations⁴⁴ and the possibility to identify categories of documents when a general presumption of confidentiality applies⁴⁵.

6.3. New Court cases introduced against the European Commission

In 2024, 23 cases involving the European Commission were brought before the EU Courts in relation to decisions concerning the right of public access to documents under Regulation (EC) No 1049/2001.

Of these 23 cases, 19 cases were brought before the General Court⁴⁶, one of which was closed in 2024 by the order mentioned above⁴⁷.

³⁵ Order in *Mylan Ireland v Commission*, T-585/23, *op.cit.*

³⁶ Judgment in *Courtois and Others v Commission*, T-761/21, *op.cit.* Paragraphs 65, 68-73, 84-86, 89-91.

³⁷ Judgments in *Auken and Others v Commission*, T-689/21, *op.cit.* Paragraphs 162-166, 183-186; *Courtois and Others v Commission*, T-761/21, *op.cit.* Paragraphs 159-172.

³⁸ Judgments in *Pesticide Action Network Europe v Commission*, T-104/23, *op.cit.* Paragraph 49; *Veritas v Commission*, T-602/22, *op.cit.* Paragraphs 70-71.

³⁹ Judgment in *Hungary v Commission*, T-104/22, *op.cit.* Paragraphs 84-94, 97-100, 116-118, 121-127, 139-140.

⁴⁰ Judgments in *British American Tobacco Polska Trading v Commission*, T-311/23, *op.cit.* Paragraphs 46-48, 53-54, 80-82; *Herbert Smith Freehills v Commission*, T-570/22, *op.cit.* Paragraphs 45-46, 53-56, 74-77.

⁴¹ Judgments in *Acampora and Others v Commission*, T-261/23, *op.cit.* Paragraphs 58-64; *Soares v Commission*, T-606/23, *op.cit.* Paragraphs 59-71; *Auken and Others v Commission*, T-689/21, *op.cit.* Paragraph 223.

⁴² Judgments in *Acampora and Others v Commission*, T-261/23, *op.cit.* Paragraphs 40-41; *Auken and Others v Commission*, T-689/21, *op.cit.* Paragraphs 114-115.

⁴³ Judgments in *Acampora and Others v Commission*, T-261/23, *op.cit.* Paragraphs 32-35, 38, 50-56, 76-79; *Soares v Commission*, T-606/23, *op.cit.* Paragraphs 46-56.

⁴⁴ Judgments in *Hungary v Commission*, T-104/22, *op.cit.* Paragraphs 27-30, 43-52; *Veritas v Commission*, T-602/22, *op.cit.* Paragraphs 23-25, 49-50.

⁴⁵ Judgment in *TotalEnergies Marketing Nederland v Commission*, T-332/22, *op.cit.* Paragraph 57.

⁴⁶ Cases *Reverbel v Commission*, T-178/24; *Novis v Commission*, T-185/24; *Oberlin v Commission*, T-194/24; *Zalando v Commission*, T-203/24; *Caronte & Tourist Isole Minori v Commission*, T-208/24; *Huhtamaki Holding v Commission*, T-225/24; *Smart Kid v Commission*, T-227/24; *Zver v Commission*, T-235/24; *Smart Kid v Commission*, T-337/24; *Compass-Datenbank v Commission*, T-350/24; *Molitorisová v Commission*, T-353/24; *Batchelor v Commission*, T-433/24; *APEDA and O'Connor v Commission*, T-458/24; *Pech v Commission*, T-485/24; *Reclaim and Martínez González v Commission*, T-546/24; *Public.Resource.Org and Right to Know v Commission*, T-580/24; *Public.Resource.Org and Right to Know v Commission*, T-581/24; *Compass-Datenbank v Commission*, T-594/24; *International Electrotechnical Commission and ISO v Commission*, T-631/24.

⁴⁷ Case *Oberlin v Commission*, T-194/24, *op.cit.*

In parallel, three appeals were brought before the Court of Justice against judgments issued by the General Court in cases where the European Commission was a party to the proceedings⁴⁸. In one of these appeals, the Commission lodged an application for interim measures consisting in the suspension of operation of part of the appealed judgment of the General Court⁴⁹.

⁴⁸ Cases *Commission v Auken and Others*, C-631/24 P; *Commission v Courtois and Others*, C-632/24 P; *Hungary v Commission*, C-641/24 P.

⁴⁹ Case *Commission v Courtois and Others*, C-632/24 P-R.