



Council of the  
European Union

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Brussels,

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LT 219/23

Ms Emily O'REILLY  
The European Ombudsman  
Avenue du Président Robert Schuman, 1  
CS 30403  
67001 STRASBOURG Cedex  
FRANCE



Subject: Your letter of 2 October 2023 concerning the own-initiative inquiry OI/4/2023/MIK

Madam,

Thank you for the letter from your services dated 2 October 2023 regarding your own-initiative inquiry OI/4/2023/MIK on the handling of requests for public access to documents regarding legislative files.

In line with your request for information, contained in Annex 2 to your letter, you will find the requested information in the tables below.

Please note that:

- "Decision" refers to the outcome of the request for access to every individual document. Since an access to documents "request" may refer to more than one document, such requests imply more than one "decision".
- Furthermore, a document can be requested several times. Each time that a document (which had not yet been made public) was asked for, it has been counted as a "decision" when the document was fully released, partially released or when access was refused to it.
- Lastly, each request may refer not only to several documents but also to documents from several files, legislative and non-legislative. Consequently, the timelines taken for the decision (and hence the average and median time) might be dependent on other factors that are beyond the legislative file being analysed.

### Initial Applications

file	number of requests	number of decisions	refused access	partial access	full access	average working days taken by application	median working days taken
Digital Markets Act	30	272	38	20	214	17.9	15
Revision of Emissions Trading Scheme	34	68	5	13	50	12.8	12
Minimum Wage Directive	37	75	0	14	61	13.37	10.5

### Confirmatory Applications

assigned number of confirmatory requests	type of requested document(s)	date of application	date of decision	information on the outcome of the decision
DMA: <b>15/c/01/21</b>	Working documents reflecting Member States' positions	27/04/2021	2/08/2021	Full access: 5 Partial access: 10 Full refusal: 13 Ground: art. 4(3)(i)
DMA: <b>39/c/01/21</b>	9 series of email exchanges between the CLS and COM LS and MS	9/11/2021	20/12/2021	Confirmation of the refusal of access Grounds: art. 4(2)(2) + art. 4(3)(1)
Minimum Wage Directive: <b>12/c/01/2021</b>	Opinion of the Council Legal Service	14/04/2021	27/05/2021	Partial access based on art. 4(2)(2) + art. 4(3)(i) (extended access compared to the initial request)

In addition, we would like to draw your attention to the fact that one of the files mentioned in Annex I to your letter of 2 October under the heading "List of examples of recent complaints to the Ombudsman concerning public access to EU *legislative* documents", namely Case 717/2021/SF, does not concern a legislative document.

Yours faithfully,

