



EUROPEAN COMMISSION
Neighbourhood and Enlargement Negotiations

R - RESOURCES
R.2 - LEGAL ISSUES

Brussels, 22 MARS 2017

By registered letter

Mr Arun Dohle
Viktoriastr. 46
52066 Aachen
Germany

Advance copy by email:

arundohle@gmail.com

Subject: Your application for access to documents – Ref GestDem No 2017/910

Dear Mr Dohle,

I refer to your email addressed to the Secretariat-General of the Commission on 14 February 2017, in which you make a request for all the documents related to all the contracts of the European Commission with the Italian adoption agency Amici dei Bambini, from 1990 until present.

Your application is currently being handled by several Directorates-General of the Commission, depending upon the contracts concerned, and this handling is being coordinated at Commission level.

For its part, DG NEAR has identified 10 contracts; 200 documents correspond to these contracts, amounting to ca 5000 pages. Most documents are not in an electronic version; their hard copies are stored in the premises of the delegations of the European Union to four third countries.

Due to the very large number of documents under review (including also documents originating from third parties), their analysis cannot be expected to be completed within the normal time limits set out in Article 7 of Regulation 1049/2001.

However, in the event of an application relating to a very large number of documents, the Regulation provides for a possibility to confer with the applicant in order to find a 'fair solution' in accordance with Article 6(3) of Regulation 1049/2001.

¹ Judgment of the Court of Justice of 2 October 2014 in case C-127/13, *Guido Strack v Commission*, paragraphs 26-28.

In accordance with the case law of the EU Courts, such a solution can only concern the content or the number of documents applied for, not the deadline for replying¹. This means that the scope of the request must be reduced in a way that would enable its treatment within the extended deadline of 15 + 15 working days.

Based on the above-mentioned provision, we would kindly ask you to specify the objective of your request and your specific interest in the documents requested, and whether you could narrow down the scope of your request (i.e. the subject matter(s), the type of documents, the third country concerned) so as to reduce it to a more manageable amount of documents.

We are hereby making an estimate of the work that can be performed within the extended deadline of 30 working days in order to offer you a fair solution.

Overall, the treatment of your request takes the following steps:

- contacts and exchanges with the delegations concerned,
- identification of documents,
- retrieval and establishment of a complete list of the documents identified,
- shipment of documents to Brussels,
- scanning of documents, page by page due to the fact that most documents are bound,
- downloading of CD-ROMs,
- assessment of the content of the documents,
- third-party consultations under Article 4(4) of Regulation 1049/2001,
- performing possible redactions of the relevant parts falling under exceptions of Regulation 1049/2001,
- preparation of the draft reply,
- consulting the delegations and the other services concerned on the draft reply,
- formal approval of the draft reply by DG NEAR hierarchy,
- final check of the documents to be released and dispatch of the reply.

According to our first preliminary estimates, the workload for the treatment of your request for handling 1 single contract (ca 20 documents, amounting to ca 500 pages) would take approximately 10 working days, taking into account the performance of other tasks by the staff concerned. Thus, the workload for dealing with your application for the 10 contracts would require approximately 100 working days.

It follows that a maximum of 60 documents could possibly be dealt with within the extended deadline of 30 working days counting from the date of registration of your application. An estimated additional 70 working days would be needed to deal with the remainder of your application.

A fair solution could therefore consist in specifying 6 types of documents per contract that would correspond to 60 documents in total, to be handled within 30 working days.


In order to enable us to respect the time-limits of Regulation 1049/2001, we would ask you for a swift reply to our proposal for a fair solution, within five working days at the latest, by email to near-accdoc@ec.europa.eu.

If you have any other questions concerning the invitation, you can contact us by email at the same address.

In the absence of a reply within five working days, we will unilaterally restrict the scope of your application to those parts that can be dealt with within the extended deadline of 30 working days, counting from the registration of your application.

Thank you in advance for your understanding.

Yours sincerely,



Christos Komninos
Head of Unit

