



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Circular Economy & Green Growth
ENV.B.3 - Waste Management & Secondary Materials

Brussels,
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Mr Francis CARRIÈRE
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Subject: Your application for access to documents - GestDem No 2017/3603

Dear Mr Carrière,

I refer to your e-mail dated 12 June in which you make a request for access to documents, registered by the Commission under the abovementioned reference number and to my letter of 6 July informing you of the extension of the deadline for reply because of the need to consult and ask the third party authors of a number of documents to agree on their disclosure.

This extended time limit expired on 27 July.

However, as your request covers a period of more than 4 ½ years and several organisations and/or persons, we have now identified over 100 documents, including over 60 documents originating from third parties, falling within the scope of your request.

For each individual document a decision has to be taken whether or not it can be released under the applicable rules on access to documents. And for each document originating from third parties, the Commission has to ask the third party author of the document for agreement to its release.

Under these circumstances, it is clear that no decision regarding your application can be taken within the time limit set out in Article 7 of Regulation 1049/2001, even after the extension with 15 working days.

I would therefore like to propose a fair solution in the meaning of Article 6(3) of Regulation 1049/2001, which provides that *"in the event of an application relating to a very long document or to a very large number of documents, the institution concerned may confer with the applicant informally, with a view to finding a fair solution"*.

There are basically two options for handling your request: either its scope may be narrowed down to a manageable amount of documents or the Commission services proceed with the review of all relevant documents they have identified, but without setting a deadline for the final reply. The handling of the request could be staggered according to an order of priority.

In case you choose to narrow down the scope of your request, the desk officers in the relevant Directorates-General could assist you in clarifying your request and identifying concrete documents matching your interest. A time limit could be agreed for each reply.

If, however, you prefer a comprehensive search of all documents that might be relevant to your request, each Commission service holding relevant documents will identify and retrieve the documents and provide you with a separate reply with regard to the documents in its possession. In this case, taking into account the large number of documents concerned, no fixed deadline can be set for this very resource-consuming exercise, as we are unable to evaluate the exact time needed for carrying out the harm test on all the documents contained in the files.

I hope this approach is acceptable to you and I would be grateful if you would be so kind as to confirm your preferred option by e-mail to marianne.muller@ec.europa.eu.

I thank you for your understanding.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'S. Nelen', followed by a period.

Sarah NELEN
Head of Unit