



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate E: Consumers
Unit E3: Consumer enforcement and redress

 Ref. Ares(2018)525104 - 29/01/2018

Brussels,
DG JUST/E3/CS/mv

By registered letter with acknowledgment of receipt

Mr Peter Teffer
EUobserver
Rue Montoyer 18B
1000 Brussels
Belgium

Advance copy by email:
ask+request-4975-275a53e8@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 0148/2018

Dear Sir,

We refer to your email dated 08 January 2018 in which you make a request for access to documents, registered on 08 January 2018 under the above-mentioned reference number.

Your application concerns a very large number of documents, which need to be assessed individually. Such a detailed analysis cannot be carried out within the normal time limits set out in Article 7 of Regulation 1049/2001.

Further, the handling of your request involves the assessment of a very large number of documents originating from third parties and several Member States. The analysis of these documents, together with the need to consult the third parties and Member States concerned in accordance with Article 4(4) and 4(5) of Regulation 1049/2001, cannot be expected to be completed within the normal time limits set out in Article 7 of Regulation 1049/2001.

However, the Regulation also provides for a possibility to confer with applicants in order to find a fair solution when an application relates to a very long document or concerns a very large number of documents. Article 6(3) provides that in the event of an application relating to a very long document or to very large number of documents, the institution concerned may confer with the applicant informally, with a view to finding a fair solution.

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 replying. 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) and/or timeframe covered), to reduce it to a more manageable amount of documents.

In your request, you had asked us for the following items:

- All documents sent to the European Commission by member states since 1 January 2017, including but not limited to e-mails and their attachments, regarding the issue of 'dual food quality'
- All documents sent by the European Commission to member states since 1 January 2017, including but not limited to e-mails and their attachments, regarding the issue of 'dual food quality'
- All minutes of meetings with the European Commission since 1 January 2017 regarding the issue of 'dual food quality'
- All other European Commission documents since 1 January 2017, including but not limited to 'lines to take', intra-Commission e-mails and their attachments, regarding the issue of 'dual food quality'

In order to help you to narrow down your request, please note that the following documents (and their approximate number of pages) have been identified as falling under the scope of your request:

- Letters & emails received and replied by the Commission from Member States: 97 pages
- Letters & emails received and replied by the Commission from third parties (e.g. citizens, and other stakeholders): 70 pages
- Briefings: 450 pages
- Minutes of meetings and workshops: 17 pages
- Inter-service consultations related: 74 pages
- Internal communication regarding the harmonized testing approach: 55 pages
- Overview of national studies: 33 pages
- Total: 796 pages

According to our first estimates, the handling of your request would take 45 working days, broken down as follows:

- Identification of the documents falling under your request: 4 working days;
- Retrieval and establishment of a complete list of the documents identified: 9 working days;
- Scanning of the documents: 4 working days;
- Assessment of the content of the documents in light of the exceptions of Article 4 of Regulation 1049/2001: 10 working days;
- Third-party/Member State consultations under Article 4(4) and/or 4(5) of Regulation 1049/2001: 7 working days;
- Final assessment of the documents in light of the comments received: 5 working days];
- Drafting of the reply: 1 working day;
- Redaction of those parts of the documents to which one or several exceptions apply(ies): 3 working days;

- Internal approval of the draft decision on your request: 1 working day;
- Preparation of the reply and the documents for dispatch (scanning of the redacted versions, administrative treatment): 1 working day.

In order to enable us to respect the time-limits of Regulation 1049/2001, we would ask you for a swift reply to our invitation to propose a fair solution, within five working days at the latest:

- by email to: JUST-E3@ec.europa.eu

If you have any questions concerning the invitation, you can contact us:

- by email at: JUST-E3@ec.europa.eu
- by telephone at: +32 229-89432

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 19 February 2018.

Thank you in advance for your understanding.

Yours sincerely,

(eSigned)

Marie-Paule Benassi
Head of Unit

