



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate B - Investment, Innovative & Sustainable Transport  
The Director

Brussels,

Mr Pascoe Sabido  
Corporate Europe Observatory  
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**By registered letter with acknowledgment  
of receipt – advance copy by email**  
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**Subject: Your application for access to documents. Ref GESTDEM 2018/4605**

Dear Mr Sabido,

We refer to your e-mail message dated 28 August 2018 in which you made a request for access to documents and registered on 29 August 2018 under the above-mentioned reference number concerning:

- minutes of all lobby meetings between DG MOVE and Natural Gas Vehicles Association (NGVA) Europe and/or NGV Global, Hydrogen Europe, FuelsEurope, Maritime LNG Platform, Bioenergy Europe (also known as the European Biomass Association or AEBIOM). This should include any meetings with lobbying consultants representing the aforementioned trade associations. The time period should be 1st January 2015 until today.
- any correspondence between DG MOVE and Natural Gas Vehicles Association (NGVA) Europe and/or NGV Global, Hydrogen Europe, FuelsEurope, Maritime LNG Platform, Bioenergy Europe (also known as the European Biomass Association or AEBIOM). The time period should be 1st January 2015 until today. This should include but not be limited to correspondence related to the aforementioned meetings, as well as all other email and letter exchanges. It should also include all attachments and accompanying documents contained within the correspondence.

We also received a first request from you on 25 June 2018, registered as GESTDEM 2018/3472, for which a reply has been sent separately.

Your request for access covers a potentially very wide range of documents from six stakeholders/associations dated since 2015, and would entail a disproportionate administrative burden. Therefore, we suggest seeking a fair solution in the meaning of Article 6(3) of 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<sup>1</sup>. Such solution could consist in reducing the scope of your request.

I would like to explain more in detail the reasons why it is not possible for us to handle your request as it has been formulated. These reasons are:

- (1) Your application could cover an undefined amount of documents such as minutes, e-mails and internal reports of all meetings, and documents related to contracts and EU projects over a period of more than three years.
- (2) The potentially pertinent documents must be verified one by one to check whether they match your demand. This is a very difficult and time-consuming exercise due to the lack of precise search criteria.
- (3) Up to now, we have identified 9 documents not related to EU projects or contracts.
- (4) Many of the documents that will be identified as a result of these searches could originate from third parties, as you request access to all correspondence with a number of external organisations. These third parties will have to be consulted to obtain their agreement to share (with you) the documents at stake.

This leads to the following conclusions: it is physically impossible to retrieve and assess all documents that would fall within the scope of your applications within the normal time frames set out in Regulation (EC) No 1049/2001;

- (1) the handling of your applications would entail a disproportionate amount of work, leading to seriously disturbing the functioning of some services;
- (2) the handling of access requests made by other applicants should not be delayed as a result of the administrative burden entailed by the handling of your applications.

The Court of Justice has considered that an institution is entitled to balance the interest in public access to the documents against the burden of work caused by the handling of very voluminous requests, in order to safeguard, in those particular cases, the interests of good administration<sup>2</sup>.

Under these circumstances, I propose the following fair solution in the meaning of Article 6(3) of Regulation (EC) No 1049/2001:

- the scope of your application should be limited to include documents dating from 2017 until the date of your request, as well as documents not linked to administrative steps concerning contracts or contract-related correspondence unless you specify in which contract or reasonable number of contract(s) you are interested.

I sincerely hope that it will be possible to reconcile your right of access to documents of the Commission with the proper functioning of the Commission's services. A refusal from your side to co-operate to agree on a fair solution would make it impossible for the

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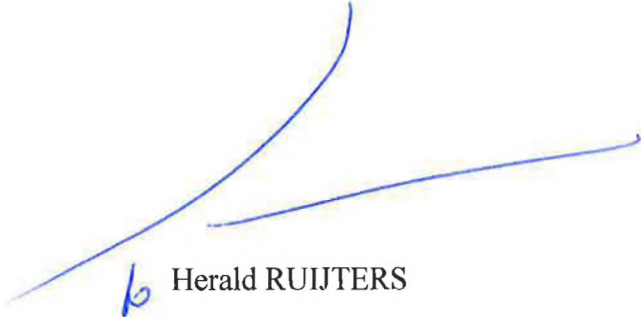
<sup>1</sup> OJL 145, 31.5.2001, p.43.

<sup>2</sup> Judgment of the Court of First Instance of 13 April 2005 in case T-2/03, *Verein für Konsumenteninformation v Commission*, [2005] ECR II-O 1121, paragraph 102.

Commission to handle your applications. In the absence of a reply within five working days, we will unilaterally restrict the scope of your application.

I look forward to hearing from you.

Yours sincerely,



b Herald RUIJTERS