Your application for access to documents - GestDem 2022/5204

Dear Mr Fanta,

We refer to your e-mail of 13 September 2022 wherein you make a request for access to documents pursuant to 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 (‘Regulation 1049/2001’), registered under the above-mentioned reference number.

Your application reads as follows:

‘‘Dear Internal Market, Industry, Entrepreneurship and SMEs,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents on the internal deliberations within the Commission in 1996 and 1997 on the draft ‘Media Ownership Directive’. This is meant to include documents from rounds of consultations with the member states, consultations within the Commission including legal opinions, studies and letters/faxes between members of the Commission and their cabinets, as well as submissions from stakeholders on the draft Directive. ‘‘

Please note that your application was re-attributed from DG GROW to DG CONNECT.

Your application concerns documents which are more than 25 years old. Given the dates and categories of the requested documents the process of handling your request is complex and time-consuming. Please note that at this stage we have identified 12 references to files in relation to the Media Ownership Directive. Please note also that these references correspond to boxes or binders of paper documents which need to be individually searched in order to identify the documents that fall within the scope of your request.

Due to the scope of your request, the work needed to deal with your application would cover the following steps:

- Multiple searches of documents and numerous consultations within DG CONNECT and with the Historical Archives service.
- Individual analysis of the documents and establishment of the final and complete list of the documents falling under the scope of your request,
- Scanning of the documents,
- Preliminary individual assessment of the content of the documents in light of the exceptions contained in Article 4 of Regulation 1049/2001,
- For many of the documents, third party consultations under Article 4(4) and/or 4(5) of Regulation 1049/2001,
- Final assessment of the documents in light of the comments received,
- Redaction of those parts of the documents to which one or several exceptions apply,
- Preparation and finalisation of the reply for the request,
- Preparation of the reply and the documents for dispatch.
It follows from the above that the work needed for the treatment of your request cannot be completed within the normal time limit set out in Article 7 of Regulation 1049/2001.

Article 6(3) of the Regulation 1049/2001 provides that, in the event of an application relating to a very long or a 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 Union Courts, the proposal for a fair solution aims to balance the interest of the applicant against the workload resulting from the processing of the application in order to safeguard the interests of good administration (Judgments of 6 December 2001, Council v Hautala, Case C 353/99 P, EU:C:2001: 661, para. 30, and of 2 October 2014, Strack v Commission, Case C 127/13 P, EU:C:2014:2250, para.27). Such solution can only concern the content or the number of documents applied for, not the deadline for replying (Judgment of the Court of Justice of 2 October 2014 in case C- 127/13, Guido Strack v Commission, paragraphs 26-28). 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.

Taking this into account and based on the above-mentioned provision, we would kindly ask you to specify the objective of your request, your specific interest in the requested documents and whether you could narrow down the scope of your request, so as to reduce it to a more manageable amount of documents.

In order to help you narrow down your wide scope request please note that at this stage we have identified the following files which are located in the Commission’s Historical Archive and on which we have the following information:

<table>
<thead>
<tr>
<th>Title</th>
<th>Period</th>
</tr>
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<tbody>
<tr>
<td>Media - Pluralisme - Proposition d'une directive audience TV, proposition d'un directive protection du pluralisme</td>
<td>1995-1997</td>
</tr>
<tr>
<td>Media - Pluralisme - Proposition d'une directive sur la protection du pluralisme et à l'accès à la propriété des médias</td>
<td>1996-1996</td>
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<tr>
<td>Media - Pluralisme - Proposition d'une directive sur la protection du pluralisme dans le contrôle des médias</td>
<td>1996-1997</td>
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<td>Media - Pluralisme - Proposition d'une directive, propriété des médias</td>
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<td>Media - Pluralisme - Proposition d'une directive, propriété des médias</td>
<td>1996-1998</td>
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<td>Media - Pluralisme et concentration des médias, propriété des médias, position</td>
<td>1996-1997</td>
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<td>Media - Pluralisme et concentration des médias, propriété des médias, position</td>
<td>1996-1997</td>
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<tr>
<td>Media - Pluralisme - Proposition d'une directive, propriété des médias, communication</td>
<td>1997-1997</td>
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<tr>
<td>Media - Proposition d'une directive protection du pluralisme dans le contrôle des médias et proposition d'une directive</td>
<td>1996-1997</td>
</tr>
</tbody>
</table>
We kindly ask you to specify the internal files/documents that you are interested in, for instance their categories, types of internal documents and/or further narrowing of dates or periods. We will then deal with the number of documents that can be dealt with within the extended 15+15 working days deadline, taking into account the other ‘access to documents’ requests being handled within DG CONNECT at the same time, the global workload of the concerned staff during the same period, the human resources available and the need to safeguard good administration.

We would ask you for a swift response to our proposal for a fair solution. Please respond within three working days, i.e. by 18 November 2022 cob at the latest. Please send your response by email to the following address: CNECT-PUBLIC-ACCESS-TO-xxxxxx@xx.xxxxxxx.xx

In the absence of a reply within three 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.

Thank you in advance for your cooperation.

The DG CONNECT Access to Documents Team