Subject: Your application for access to documents – case number 2022/5596

Dear Ms Indiano,

We refer to your e-mail of 29 September 2022 in which you make a request for access to documents, registered on 30 September 2022 under the above-mentioned reference number.

Your application is currently being handled. However, we will not be in a position to complete the handling of your application within the time limit of 15 working days, which expires on 21 October 2022. An extended time limit is needed as your request concerns a very large number of documents, which need to be assessed individually, and some of the documents you requested originate from a Member State, which needs to be consulted in accordance with Article 4(5) of Regulation (EC) No 1049/2001. Therefore, we have to extend the time limit by 15 working days in accordance with Article 7(3) of Regulation (EC) No 1049/2001 regarding public access to documents. The new time limit expires on 15 November 2022.

We apologise for this delay and for any inconvenience this may cause.

Please note that Article 6(3) of Regulation (EC) No 1049/2001 provides for a possibility to confer with the applicant informally with a view to finding a fair solution when an application concerns a very large number of documents.

In accordance with the case law of the EU Courts, such a solution can only concern the content or the number of documents requested, not the deadline for replying.\(^1\) This means that the scope of the request must be reduced in a way that would enable its processing 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 application and your specific interest in the documents requested,\(^2\) and whether you

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could narrow down the scope of your application (for example, narrow down the scope of your request to RRP-related Italian requests for technical support that were selected by the Commission for funding under the TSI Regulation\(^3\) only, or the specific contracts and grants awarded for the implementation of RRP-related Italian requests that were selected by the Commission for funding under the TSI Regulation only), so as to reduce it to a more manageable amount of documents.

In order to help you to narrow down your application, please note that the following categories of documents have been identified as falling under the scope of your application: (1) requests submitted by Italy in accordance with Article 9 of the TSI Regulation and (2) contracts and grants awarded for the implementation in Italy of technical support measures under the TSI Regulation.

According to our first estimates, the handling of your request would take 45 working days,\(^4\) broken down as follows:

- identification of the documents falling under your request: 7 working days;
- retrieval and establishment of a complete list of the documents identified: 5 working days;
- assessment of the content of the documents in light of the exceptions of Article 4 of Regulation (EC) No 1049/2001: 5 working days;
- Member State consultations under Article 4(5) of Regulation (EC) No 1049/2001: 5 working days;
- final assessment of the documents in light of the comments received: 5 working days;
- drafting of the reply: 3 working days;
- redaction of those parts of the documents to which one or several exceptions apply: 5 working days;
- internal review and approval of the draft decision: 5 working days; and
- preparation of the reply and the documents for dispatch (scanning of the redacted versions, administrative processing etc.): 5 working days.

It follows that, according to our first estimates, we could possibly deal with only one of the category of documents to which you request access within the extended deadline of 30 working days (counting from the date of registration of your application on 30 September 2022).

In order to enable us to respect the time-limits of Regulation (EC) No 1049/2001, we would ask you for a swift reply to our invitation to propose a fair solution (either select only one of the two categories of documents in your application, or narrow the scope of your application) **within five working days at the latest** by e-mail to: REFORM-ACCESS-DOCUMENTS@ec.europa.eu.

If you have any questions concerning the invitation, you can contact us by e-mail at: REFORM-ACCESS-DOCUMENTS@ec.europa.eu.

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 on 30 September 2022.

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4 Taking into account other applications for access to documents and other tasks that the staff concerned are likely to have to deal with during the same period.
Thank you in advance for your understanding.

Thomas ANDREOU
Head of Unit