



EUROPEAN COMMISSION
NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS

R - Resources
R.2 – Legal issues

Brussels

Subject: Your application for access to documents

Ref. EASE 2022/6665

Dear Ms Pacciardi,

We have identified 38 documents, with a total of 559 pages, as falling under the scope of your above-mentioned application.

The detailed individual analysis of all these documents, together with the consultation of the third parties which originated them (consultation required by Article 4(4) of Regulation (EC) No 1049/2001¹), cannot be expected to be completed within the normal time limits set out in Article 7 of Regulation (EC) No 1049/2001.

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 the application relates to a very long document or 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 replying². 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.

¹ 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, Official Journal L 145 of 31 May 2001, p. 43.

² Judgment of the Court of Justice of 2 October 2014, *Strack v European Commission*, C-127/13, (hereinafter referred to as the '*Strack v Commission* judgment'), EU:C:2014:2250, paragraphs 26-28.

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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 ³, and whether you could narrow down the scope of your application (i.e. the subject matter(s) and/or timeframe covered), so as to reduce it to a more manageable amount of pages.

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 request:

1. T05-EUTF-NOA-LY-13-01 (T05.1849) - Submission of 1 countersigned original; [**1 document**: contract, 106 pages]
2. [Re] T05-EUTF-NOA-LY-13-01 (T05.1849) – Annual Report Year 1 (10 June 2021 – 9 June 2022) - STANDALONE CLEARING (Partial clearing of the 1st PF - CC invoice T05.5361); [**3 documents**, 41 pages]
3. T05-EUTF-NOA-LY-13 (T05.1849)_Baladiyati Fase 2_INCEPTION REPORT_10 June 2021 – 31 March 2022 ; [**8 documents** : Annexes & Inception report, 109 pages]
4. Recovery, Stability and Socio-Economic Development in Libya RSSD “Baladyati” Programme – Phase 2”– T05-EUTF-NOA-LY-13-01 Italian Cooperation Component (T05.1849) – Annual Report Year 1 (10 June 2021 – 9 June 2022); [**9 documents**: Annexes, Annual Report, Financial Report etc., 126 pages]
5. Financial and System audit of the project “Recovery, Stability and Socio-economic Development in Libya” – Italian Cooperation Component [T05-EUTF-NOA-LY-13-01 (T05.1849)]; [**2 documents**, 45 pages]
6. Recovery, Stability and Socio-Economic Development in Libya RSSD “Baladyati” Programme – Phase 2”– T05-EUTF-NOA-LY-13-01 Italian Cooperation Component (T05.1849) – Annual Report Year 1 (10 June 2021 – 9 June 2022); [**1 document**, 36 pages]
7. RSSD Libya - Baladiyati Phase 2: AICS Quarterly Information Note n. 1_10/06/2021 - 30/09/2021; [**2 documents**, 11 pages]
8. RE: Minutes of AICS-EU meeting on June 16 [**1 document**: Inception report, 26 pages]
9. EUTF RSSD Baladiyati: Technical Committee meeting n.13 - September 9th, 2021; [**7 documents**: meeting minutes, agenda, inception phase activity planer etc., 34 pages]
10. Quarterly Information Note No. 4 - Baladiyati phase 2; [**1 document**, 7 pages]
11. Quarterly Information Note No. 2 - RSSD 2; [**3 documents**, 18 pages]

According to our first estimates, the handling of your request would take 26 working days, 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.

³ *Strack v Commission* judgment, paragraph 28; Judgment of the General Court (then 'Court of First Instance') of 22 May 2012, *EnBW Energie Baden-Württemberg v European Commission*, T-344/08, EU:T:2012:242, paragraph 105.

These 26 working days are broken down as follows:

- pro memoria: identification of the documents falling under your request: 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;
- internal consultations with other operational units: 5 working days;
- third-party consultations under Article 4(4): 5 working days;
- final assessment of the documents in light of the comments received: 3 working days;
- drafting of the reply: 1 working day;
- redaction of those parts of the documents to which one or several exceptions apply: 1 working day;
- 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.): 1 working day.

It follows that, according to our first estimates, a maximum of 5 categories documents could possibly be dealt with within the extended deadline of 30 working days counting from the date of registration of your request.

In order to enable us to respect the time-limits of Regulation (EC) No 1049/2001, please reply to this proposal for a fair solution **within five working days at the latest**.

In the absence of a reply within five working days, we will restrict the scope of your application to those parts that can be dealt with within the extended deadline of 30 working days.

We remind you that because of the exceptions provided under Article 4 of Regulation (EC) No 1049/2001, we cannot guarantee that we will be able to provide access to all the documents concerned.

Yours sincerely,

[e-signed]

Christos KOMNINOS
Head of Unit