Subject: Your application for access to documents GestDem No. 2018/2157: Request for a confirmation of the scope of the application and proposal for a fair solution

We refer to your e-mail dated and registered on 17 April under the Reference GestDem No. 2018/2157, in which you request access to:

“[...] I would like to request a list of all lobby meetings held by DG SG since November 2015 with the European Contact Group (EU transparency register number: 0633841538-63) to include the date, topic, and names of individuals attending. I would further like to request the notes/minutes of all such meetings, and any correspondence between the ECG and DG SG.”

1. Request for a confirmation of the scope of the application

The points of your application make a general reference to "lobby meetings held by DG SG with the European Contact Group". Based on these criteria, we presume that your application concerns all meetings the various services/levels of the Secretariat-General held with the European Contact Group, irrelevant to the matters discussed.

Also, without an explicit end-date to the search period your request refers to, we consider the date of your request, as the one for the purposes of the search.

We therefore ask you, pursuant to Article 6(2) of Regulation (EC) No 1049/2001 regarding public access to documents⁷, to confirm that our understanding of the scope of your application is correct.

The proposal for a fair solution set out in point 2 below is based on the above assumption.

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2. Proposal for a fair solution

Your application potentially concerns a sizable number of documents which, once identified, need to be individually assessed and may require a consultation of third parties in accordance with Article 4(4) of Regulation 1049/2001. Such an extensive analysis and consultation of third parties cannot be carried out within the time limits laid down in Article 7 of Regulation 1049/2001.

However, Article 6(3) of Regulation 1049/2001 provides that in the event of an application relating to a considerable 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.² 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 plus 15 working days.

Based on the above-mentioned provision, we would kindly ask you to provide us with elements allowing us to narrow down the scope of your request, for example by concretely listing the member organisations / federations / networks or other bodies you refer to as well as the topics of your interest, so as to obtain a more manageable amount of documents.

Following a first search conducted through the relevant key word, i.e. European Contact Group, an indication of more than 1000 documents would need to be reviewed, in order to identify the documents that fall within the scope of your application.

According to our initial estimation, a maximum of 200 documents could be reviewed within the deadline of 15 plus 15 working days, undertaking all the necessary legal and administrative steps, i.e. retrieval and establishment of a complete list of the documents identified, assessment of the content of the documents in light of the exceptions of Article 4 of Regulation 1049/2001 and drafting of the third party consultation documents, third-party consultations, final assessment of the documents in light of the comments received, drafting of the reply, redaction of those parts of the documents to which one or several disclosure exceptions apply and finally internal approval of the draft decision on the application).

In order to enable us to respect the rules of Regulation 1049/2001, we ask you for a swift reply to our clarification request and the proposal for a fair solution by email to sg-unite-d2@ec.europa.eu indicating 'GestDem 2018/2157' in the subject of your message.

In the absence of a reply by 3 May, we will unilaterally assume that our understanding of the scope of your application, as set out in point 1 above is correct, and restrict the scope of your application to the number of documents that can be dealt with within the extended deadline of 30 working days, counting from the registration of your application on 17 April 2018.

Thank you in advance for your understanding.

[e-Signed]

Olivier Girard