Subject: Your confirmatory applications for access to documents under Regulation (EC) No 1049/2001 – GESTDEM 2019/5140

Dear Ms Down,

I refer to your email of 4 September 2019 by which you submit an access to document request to Directorate-General for Health and Food Safety.

I also refer to the email of Directorate-General for Health and Food Safety of 17 September 2019, in which you were requested to clarify certain parts of your access to document request.

The website AsktheEU.org contains a reply to the above clarification request dated 18 September 2019. Unfortunately, the European Commission did not receive copy of your reply. The Directorate-General for Health and Food Safety searched for the reply also in its spam email box and confirmed to you in writing that they did not receive it indeed. The European Commission has become aware of your reply to its clarification request only on 1 October 2019 when it reviewed the sites of ongoing access to document requests on AsktheEU.org.

As per Article 6(2) of Regulation (EC) No 1049/2001, ‘[i]f an application is not sufficiently precise, the institution shall ask the applicant to clarify the application (...)’ and pursuant to the third paragraph of Article 2 of the Detailed rules for the application of Regulation (EC) No 1049/2001 (Commission Decision of 5 December 2001), ‘[i]f an application is imprecise, as referred to in Article 6(2) of Regulation (EC) No 1049/2001, the Commission shall invite the applicant to provide additional information making it
possible to identify the documents requested; the deadline for reply shall run only from
the time when the Commission has this information.’

As the European Commission received the complementary information clarifying the
scope of your request on 1 October 2019, the deadline for the initial reply is considered
to have started running from the next day. Please note that the Directorate-General for
Health and Food Safety is currently processing your application.

Therefore, under these circumstances, we will not register your confirmatory application,
as the Directorate-General for Health and Food Safety is working on your initial
application with the view to providing an initial reply.

Finally, I draw your attention that the standard means of redress provided for by
Regulation (EC) No 1049/2001 – the confirmatory application – remain fully available
against the initial decision to be passed by the Directorate-General for Health and Food
Safety, should you decide to submit one in the light of the initial decision.

Yours sincerely,

Maria OLIVÁN AVILÉS
Head of Unit