EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food and feed safety, innovation
Pesticides and biocides

Brussels,
SANTE/E4/DI/df (2020) 2796980

Sent by email only to:
ask+request-7613-c812c45d@asktheeu.org

Dear Mr Laarman,

Subject: Your application for access to documents – Ref GestDem No 2020/2206

We refer to your e-mail dated 16 April 2020 in which you make a request for access to documents, registered on 17 April 2020 under the above-mentioned reference number.

Your application concerns a large number of documents, which need to be assessed individually. Such a detailed analysis cannot be carried out within the normal time limits set out in Article 7 of Regulation (EC) No 1049/2001.

Furthermore, the handling of your request involves the assessment of documents originating from third parties, including the European Food Safety Authority.

The retrieval of these documents and their analysis together with the need to consult the third parties concerned in accordance with Article 4(4) and 4(5) of Regulation (EC) No 1049/2001, 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) provides that in the event of an application relating to a very long document or to 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 EU Courts, such a solution can only concern the content or the number of documents applied for, not the deadline for replying.[1] 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.

According to our first estimates, the handling of your request would take 49 working days, broken down as follows:

- identification of the documents falling under your request: 20 working days;
- retrieval and establishment of a complete list of the documents identified: 3 working days;

[1] Judgment of the Court of Justice of 2 October 2014 in case C-127/13, *Guido Strack v Commission*, paragraphs 26-28.

- assessment of the content of the documents in light of the exceptions of Article 4 of Regulation 1049/2001: 5 working days:
- third-party consultations under Article 4(4) and/or 4(5) of Regulation 1049/2001: 8 working days;
- final assessment of the documents in light of the comments received: 2 working days;
- drafting of the reply: 1 working day;
- redaction of those parts of the documents to which one or several exceptions apply(ies): 5 working days;
- internal approval of the draft decision on your request: 5 working days;

Based on the above-mentioned provisions and time evaluation, we would kindly ask you to narrow down the scope of your request (i.e. the subject matter(s) and/or timeframe covered), so as to reduce it to a more manageable amount of documents.

For instance, we could suggest to restrain the temporal scope and include only the documents since 1 March 2019 concerning the active substance sufloxaflor and since 1 January 2015 concerning the active substance flupyradifurone.

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, within five working days at the latest:

- by email to: sante-consult-e4@ec.europa.eu

- by postal mail to: DG SANTE – UNIT E4, Rue Froissart 101, B-1049 Brussels

If you have any questions concerning the invitation, you can contact us:

- by email at: sante-consult-e4@ec.europa.eu

In the absence of a reply within five working days, we will unilaterally restrict the scope of your application as suggested above.

Thank you in advance for your understanding.

Yours faithfully,

Klaus Berend
Head of Unit