



Brussels
MARE.E.4/

Your application for access to documents - Ref. GESTDEM 2022/3044

Dear Mr Teffer,

We refer to your e-mail of 25 May 2022 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number. You request access to all documents related to the infringement case INFR(2019)4002, relating to the alleged failure to comply by the Netherlands with Union law on the use of electric fishing.

Article 7 of Regulation 1049/2001 sets a time limit for the Commission services for replying to your request. However, Article 6(3) of Regulation 1049/2001 also provides for a possibility to confer with applicants in order to find a fair solution when an 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 applied for, not the deadline for replying¹. 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.

Your application concerns a very large number of documents, including several voluminous annexes, which need to be assessed individually before they can be shared in order to respect privacy protection legislation. In addition, they need to be assessed on whether their disclosure would be prohibited because falling under one exception included in Article 4(2) of Regulation (EC) No 1049/2001. Furthermore, for any documents that are not issued by the Commission, consultation of the third parties concerned is required in accordance with Article 4(4) and 4(5) of Regulation 1049/2001. A first survey has already identified 29 documents, including 43 annexes, of which 13 are voluminous, that could potentially be subject to your current request of access to documents. Therefore, you will appreciate that we see this as a case for conferring to you for a fair solution, as the analysis of these documents and consultation cannot be expected to be completed within the normal time limits set out in Article 7 of Regulation 1049/2001.

Based on Article 6(3) of Regulation 1049/2001, we would kindly ask you to specify the objective of your request and your specific interest in the documents requested. In addition, you are kindly requested to consider narrowing down the scope of your request

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

as concerns the subject matter and/or the timeframe covered in order be able to reply to you within the deadlines set.

In order to help you to narrow down your application, please find attached a list of 29 documents broken down in 3 categories, corresponding to different procedures, which have been identified as potentially falling under the scope of your request.

With a view to finding a fair solution and safeguarding the interests of good administration, looking at the maximum of what can be reasonably delivered, and considering that your original request concerns 3 different procedures, we propose to narrow down the scope of your request and provide documents corresponding to the category “infringement procedure” indicated in the list of documents (8 documents).

In order to enable us to respect the time limits of Regulation 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: MARE-ACCES-DOCUMENTS@ec.europa.eu

If you have any questions concerning the invitation, you can contact us at the same e-mail address.

In the absence of a reply within five working days, please be aware that the Commission services 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.

Thank you in advance for your understanding.

Yours sincerely,

Martina DOPPELHAMMER
Head of Unit

Enclosure: List of documents.