



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate A: Justice policies
Unit A.2 : Civil justice

Brussels,
JUST.A.2

Mr Arun Dohle

E-mail: ask+request-12783-88c9fdc3@asktheeu.org

Subject: Your application for access to documents EASE 2023/1848

Dear Mr Dohle,

We are writing concerning your request for access to Commission documents registered on 24.3.2023 under case number EASE 2023/1848.

You request access to: All data/documents available on the subject:

1993 Hague Convention - intercountry adoption

as filed in File: AS4046

From the outset, we notice that in the past you have already addressed to the Commission similar requests concerning the 1993 Hague Convention on Inter-country adoption, which have been answered and published on the website “Ask the EU”.

We refer for instance to your requests registered under GESTDEM 2013/1222; 2013/4449; 2013/3117; 2013/1558; 2013/1149; 2013/4050; 2013/3236; 2013/3298; 2015/3188; 2015/3602; 2015/3601; 2015/3602; 2015/4255; 2015/6551; 2016/1868; 2016/2836; 2016/4433; 2018/3539; 2018/6982; 2018/6983; 2020/5192.

Some of your other requests concerning the same topic may not have been dealt by the Civil Justice Unit of DG Justice and Consumers. However, it is sufficient to carry out a research on the “Ask the EU website” and you will find all the replies to the requests that you have addressed to the Commission along the years.

In relation to the specific request concerning the documents “*as filed in File: AS4046*”, I have to inform you that the overwhelming majority of those documents concern

communications from the Hague Conference on Private International Law (HCCH) in relation to the 1993 Hague Convention on Inter-Country Adoption. A few documents have been already the subject of your previous access to documents requests. Others have not been filed correctly and have nothing to do with inter-country adoption.

As you know, the European Union it is not a Party to the 1993 Hague Convention on Inter-Country Adoption. However, related communications are sent to the Commission because the European Union is a Member of the HCCH.

We doubt that these communications, which are for instance related to the convocation of meetings or to the publication of documents on the HCCH website could be of interest to you. The reason is that they are mostly circulars or preparatory documents concerning Special Commissions, which took already place (the Fourth and Fifth meeting of the Special Commission on the 1993 Hague Convention on Inter-Country Adoption), publication of Guides, accession of new Contacting Parties to the Convention and similar.

The information regarding the above- mentioned issues is public and can be easily accessed on the HCCH website: <https://www.hcch.net/en/instruments/conventions/specialised-sections/intercountry-adoption>.

However, should you insist on your access to documents request, please note that your application cannot be handled within normal time frames.

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

However, Article 6(3) of Regulation (EC) No 1049/2001 also provides for a possibility to confer with an applicant informally with a view to finding 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 requested, not the deadline for replying ¹. 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.

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 ², 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 documents. In particular, we would like to know if the above-mentioned circulars of the HCCH are of some interest to you, considering that everything is already publicly available.

¹ 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.

² *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.

According to our first estimates, the handling of your request would take 32 working days³, broken down as follows:

- identification of the documents falling under your request: 3 working days;
- retrieval and establishment of a complete list of the documents identified: 4 working days;
- scanning of the documents: 3 working days;
- assessment of the content of the documents in light of the exceptions of Article 4 of Regulation (EC) No 1049/2001: 3 working days;
- third-party / Member State consultations under Article 4(4): 5 working days];
- final assessment of the documents in light of the comments received: 2 working days;
- drafting of the reply: 2 working days;
- redaction of those parts of the documents to which one or several exceptions apply: 2 working days;
- 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.): 5 working days.

It follows that, according to our first estimates, a maximum of 10 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.

Yours sincerely,

(e-signed)
Andreas STEIN
Head of Unit

³ 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.