



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

Directorate A: Strategy and General Affairs
Unit A.2: Legal Affairs

Brussels,
HOME.A.2/MF/ac

Corporate Europe Observatory
Ms Margarida DA SILVA
rue d'Edimbourg, 26
1000 Bruxelles

Subject: Your access to documents request – ref Gestdem no 2018/2338

Dear Mrs. Da Silva,

We refer to your request for access to documents dated 25/04/2018 and registered on the same date under the above-mentioned reference number. We also refer to your reply to our request for clarification registered on 18/05/2018.

In your reply of 18/05/2018 you limited the temporary scope of your request to documents drawn up as from 1 November 2014 but you did not limit the material scope any further.

Since your application still concerns a very large number of documents, we will not be in a position to complete the handling of your application within the time limit of 15 working days expiring on 11/06/2018. Therefore, we have to extend the time limit by another 15 working days in accordance with Article 7(3) of Regulation (EC) No 1049/2001 (the 'Regulation') regarding public access to documents. The new time limit expires on 02/07/2018.

The requested documents need to be identified and assessed individually, whereas some of them originate from third parties. According to our first estimate, at this stage of the handling, we have already identified more than a hundred documents of meetings and correspondence directly with Facebook.

It is doubtful whether the request in its current scope since, which entails the analysis of such a large number of documents and the need to consult the third parties concerned in accordance with Regulation 1049/2001, could be reasonably be completed by 02/07/2018.

For such situations, Article 6(3) of the Regulation provides for a possibility to confer with an applicant in order to find a fair solution. In accordance with the case law of the EU Courts, such a solution should reduce the scope of the request for documents to enable its treatment within the extended deadline of 15 + 15 working days.

Based on the above-mentioned provision, we would kindly ask you whether you could narrow down the scope of your request (i.e. the subject matter and/or timeframe

covered), for instance among others, by specifying the objective of your request and your specific interest in the documents requested.

In order to assist you in narrowing down your request, we would like to inform you about the categories of documents which we have identified so far. They concern the following main topics:

- Electronic evidence
- Encryption
- EU Internet Forum (tackling terrorist content online)
- Social media and migration.

Please also inform us in case there is any other topic which may be relevant but could not yet be identified. In addition, in case you are interested in meetings with a particular body representing Facebook, we invite you to specify the name of that body.

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**. Please send your response to the following address:

- by email to: HOME-ACCESS-DOCUMENTS@ec.europa.eu
- by postal mail to:
European Commission
DG Migration and Home Affairs
Rue Luxembourg no. 46
Brussel

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

- by email at: HOME-ACCESS-DOCUMENTS@ec.europa.eu
- by telephone at: (+32) (0) 22 962961.

In the absence of a reply within five working days, we will consider unilaterally restricting 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 reply to our request for clarification (18/05/2018).

Thank you in advance for your understanding.

Yours sincerely,

Dimitrios GIOTAKOS
Head of Unit
[e-signed]