



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
General Affairs and Resources
Legal Affairs

Brussels,
MARE.E.4/CLV/

Mr Thomas Spekschoor
Wetstraat 155 box 92
1040 Brussels

thomas.spekschoor@nos.nl

Subject: Your application for access to documents - Ref. GESTDEM 2019/4062

Dear Mr Spekschoor,

We refer to your e-mail dated 12 July 2019 in which you make a request for access to documents, registered on 15 July 2019 under reference number Ares(2019)4548564. You request access to the communication between the Netherlands and the European Commission on the European Fisheries Fund (EFF) and the European Maritime and Fisheries Fund (EMFF) between 2014 and the date of your request.

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.

The regular correspondence between the Commission services dealing with EFF and EMFF and the Netherlands contains a large variety of documents and often voluminous annexes. The documents need to be assessed individually before they can be shared in order to respect privacy protection legislation. 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 approximately 400 documents that could potentially be subject to your current request of access to documents. Therefore, you will appreciate that this can be 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

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

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

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:

- by email at: MARE-ACCES-DOCUMENTS@ec.europa.eu

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,

Valérie TANKINK
Head of Unit
(e-signed)