



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate D - Natural Capital  
ENV.D.1 - Land Use & Management

Brussels, 15/11/2019  
WD/cc

Thomas Spekschoor  
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1040 Brussel

Sent by e-mail to [ask+request-7390-da60d1f1@asktheeu.org](mailto:ask+request-7390-da60d1f1@asktheeu.org)

**Subject: Your application for access to documents – Ref GestDem No 2019/5979**

Dear Sir,

We refer to your request for access to documents dated 18/10/2019, registered on 22/10/2019 under the above-mentioned reference number.

Your request concerns *'documents which contain the following information: all communications between the Netherlands and the European Commission on nitrogene emissions between 2009 and 2019.'*

Your request concerning Natura 2000 areas, GestDem No 2019/5981, is being dealt with by another service.

The handling of your request involves the assessment of a very large number of documents originating partially from the Netherlands. The analysis of these documents, together with the need to consult this Member State 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.

However, Article 6(3) provides that in the event of an application relating 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<sup>1</sup>. 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.

Based on the above-mentioned provision, we would kindly ask you to specify the objective of your request and your specific interest in the documents requested<sup>2</sup>, and whether you could narrow down the scope of your request (i.e. the subject matter(s) and

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

<sup>2</sup> Ibid, paragraph 28; Judgment of the General Court (then 'Court of First Instance') of 22 May 2012 in case T-344/08, *EnBW Energie Baden-Württemberg v Commission*, paragraph 105

timeframe covered), so as to reduce it to a more manageable amount of documents. Please take note of the fact that a period between 2009 and 2019 implies such an extensive search and subsequent activities that it already now appears extremely difficult, even impossible, to carry out it in thirty working days. According to your answer, we will take a position on your request.

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 eight working days to: [env-d01-ares@ec.europa.eu](mailto:env-d01-ares@ec.europa.eu).

Yours sincerely,

(e-signed)

Claudia OLAZÁBAL  
Head of Unit