



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

Directorate C - Transparency, Efficiency & Resources  
SG.C.1-Transparency, Document Management & Access to Documents

Brussels  
SG.C.1/CS/rc -

*By registered mail with AR*

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**Subject: Your application for access to documents – GESTDEM 2020/2451**

Dear Mr Hillebrandt,

We refer to your e-mail sent to the European Commission on 26 April 2020 in which you make a request for access to documents, registered on 28 April 2020 under the above-mentioned reference number.

In your application, you request access to all decisions on confirmatory applications adopted by the Commission in January and February 2019. You further specify that you exclude from the scope of your request (i) any personal data contained in the requested decisions; and (ii) ‘any related documents’. By the latter, we understand your request to exclude explicitly the annexes to decisions on confirmatory applications, namely the documents forming part of these decisions and to which full or partial access is granted.

The Secretariat-General of the European Commission has identified 51 documents as falling within the scope of your request GESTDEM 2020/2451.

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

Indeed, according to our first, preliminary estimates of the workload for the treatment of your request, and taking into account the performance of other tasks by the staff concerned, the handling of 10 documents would take approximately 30 working days<sup>1</sup>, covering the following steps:

- identification of the documents falling under your request;
- retrieval and establishment of a complete list of the documents identified;
- scanning of the documents;
- assessment of the content of the documents in light of the exceptions of Article 4 of Regulation (EC) No 1049/2001;
- preparation of the reply;
- redaction of those parts of the documents to which one or several exceptions apply;
- internal review and approval of the draft decision; and
- preparation of the reply and the documents for dispatch.

Article 6(3) of Regulation (EC) No 1049/2001 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<sup>2</sup>. 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 whether you could narrow down the scope of your application, so as to reduce it to a more manageable number of documents.

We take into account the fact that you already exclude from the scope of your request any personal data contained in, as well as the annexes to, the requested documents, and your stated purpose of academic research. We also take into account the identical circumstances underpinning our earlier proposal for a fair solution concerning the handling of your similar initial requests registered under reference numbers GESTDEM 2019/7132, 2019/7134, 2019/7136, 2019/7137 and 2019/7138<sup>3</sup>.

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<sup>1</sup> 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.

<sup>2</sup> Judgment of the Court of Justice of 2 October 2014, *Guido Strack v Commission*, C-127/13, EU:C:2014:2250, paragraphs 26-28.

<sup>3</sup> Reference Ares(2020)54028-07/01/2020.

Based on the above, with a view to reaching a fair solution, in the meaning of Article 6(3) of Regulation (EC) No 1049/2001, concerning the handling of your initial application registered under the reference number GESTDEM 2020/2451, and to respect the time-limits set by Regulation (EC) No 1049/2001, we propose to deal with (an increased number of) **overall 30 documents falling within the scope of your request, i.e., 30 decisions on confirmatory applications adopted in January and/or February 2019.**

Alternatively, we could propose to deal with **all documents falling within the scope of your request as limited to one specific month covered by the timeframe of your request, i.e., all decisions on confirmatory applications adopted in January 2019 or in February 2019.**

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 five working days at the latest:**

- by email to: [Sg-Acc-Doc@ec.europa.eu](mailto:Sg-Acc-Doc@ec.europa.eu).

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

- by email at: [Sg-Acc-Doc@ec.europa.eu](mailto:Sg-Acc-Doc@ec.europa.eu).

In the absence of a reply within five working days, we we 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,

Maria OLIVAN AVILES  
Head of Unit