Dear Sir / Madam,

Subject: Your application for access to documents – GESTDEM 20xx/xxxx

We refer to our letter of dd Month 20yy, in which we invited you, pursuant to Article 6(3) of Regulation (EC) No 1049/2001, to propose a fair solution for dealing with your request for access to documents, registered on dd Month 20yy under the above-mentioned reference number.

We explained that such a fair solution could consist of narrowing down the scope of your request (i.e. the subject matter(s) and/or timeframe covered), so as to reduce it to a more manageable amount of documents.

We also indicated that, according to our first estimates, the handling of your request would take [...] working days ¹, counting from the date of its registration, 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;
- where applicable: third-party / Member State consultations under Article 4(4) [use the reference to Article 4(5) only if you consult (a) Member State(s)] and 4(5) of Regulation (EC) No 1049/2001;
- where applicable: final assessment of the documents in light of the comments received;
- drafting 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 (scanning of the redacted versions, administrative processing etc).

We concluded that, according to our first estimates, a maximum of [...] [categories of] documents could possibly be dealt with within 30 working days counting from the date of registration of your application [dd Month 20yy].

¹ 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.
**Option 1:**

We have not been able to agree on a fair solution that is acceptable to both parties.

However, handling your application, having regard to the volume of the documents requested, [the third-parties to be consulted and/or the number of passages to be censured.] would involve an unreasonable administrative burden and would be disproportionate.

---

**If the applicant has made several applications for access to documents, please add the following sentence:**

The fact that you made [simultaneously or, (for example), in the last six months] xx [initial and / or confirmatory] applications ² for access to documents further supports this conclusion.

---

With a view to safeguarding the interests of good administration, we see ourselves obliged to balance your possible interest in access against the workload resulting from the processing of your application. This is in line with the case law of the EU Courts³.

We have therefore, as announced in our letter of [dd Month 20yy] and taking into account the [priority / selection criteria / specific interest] indicated by you, proceeded to the unilateral restriction of the scope of your application to the [categories of] documents that can be dealt with within 30 working days counting from the date of registration of your application. Based on the information available we have not been able to identify any other conceivable way of dealing with your application.

Consequently, your application is understood to cover:

---

**Please provide a detailed list of the documents that you were able to deal with within the 30-day period counting from the registration of the application.**

The detailed analysis of your request in light of the provisions of Regulation (EC) No 1049/2001 follows below.

---

**Please include here your detailed assessment under Regulation (EC) No 1049/2001 of the documents that you were able to deal with within 30 working days counting from the registration of the application, using as a basis the templates available (positive reply, negative reply, partially negative reply, etc.**

---

² Please indicate here the GESTDEM references of the applications concerned.

**Option 2:**

You have not replied to our invitation to propose a fair solution.

[or]

You have not made any genuine effort in narrowing down the scope of your request to an amount of documents that could reasonably be dealt with within the time limits of Regulation (EC) No 1049/2001 counting from the date of registration of your request. We have therefore not been able to identify any conceivable, mutually acceptable solution to deal with your request [nor the documents which, in your view, were a priority].

As announced in our letter of [dd Month 20yy], we have therefore been obliged to balance your possible interest in access against the workload resulting from the processing of your application. As a result, we have decided to make use of the possibility, provided by the case law of the EU Courts, not to deal with your application with a view to safeguarding the interests of good administration 4.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretariat-General  
Unit C.1. ‘Transparency, Document Management and Access to Documents’  
BERL 7/076  
B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu.

Yours faithfully,

Xvvvvv XXXXXXXXXX  
Director-General or Director in the Secretariat-General

[On the level of signature see: Who signs an initial reply on access to documents]  