



Brussels, 21 February 2017

Dear Sir,

**Subject: Your application for access to documents – Ref GestDem No 2017/0137**

We refer to your e-mail dated 11/01/2017 in which you make a request for access to documents, registered on the same date under the above mentioned reference number, as well as our response dated 30/01/2017.

In your application, you ask for the following information and documents:

- 1) A list of bids for contracts and tenders both successful and unsuccessful in relations to the EU's involvement in Swaziland, in relations to the National Indicative Programme 2008-2013, the National Indicative Programme 2014-2020, and the Swaziland Agricultural Development Programme;*
- 2) Any contracts awarded under the above mentioned programmes;*
- 3) Contracts awarded in connection to the St. Phillip's Road and Bridge upgrade.*

Concerning the first point, your application is currently being handled according to the Code of Good Administrative Behaviour. You will receive a separate answer regarding this part of your request by the end of February 2017.

As regards point (2) and (3), your application concerns a very large number of documents (more precisely, about 1600 documents), which need to be assessed individually. Such a detailed analysis cannot be carried out within the normal time limits set out in Article 7 of Regulation 1049/2001.

However, the Regulation 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. Article 6(3) provides that in the event of an application relating to a very long document or 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/or timeframe covered), so as to reduce it to a more manageable amount of documents.

Alternatively, you can formally withdraw those parts of your request that cannot be handled within the extended deadline of Regulation 1049/2001, and re-introduce applications for access to these parts in successive stages.

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: Berith.ANDERSSON@ec.europa.eu
- by postal mail to: European Commission, Rue de la Loi 200, 1049 Brussels

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

- by email at: Berith.ANDERSSON@ec.europa.eu
- by telephone at: (+32) (0) 2 299 94 88

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



Fermin MELENDRO ARNAIZ

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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.