



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Land
C.1 - Road Transport

Brussels,
ARES (2019) 689458

Mr Bryan Carter
42, rue Paul Lauters
1050 Brussels

E-mail: ask+request-6318-dc245383@asktheeu.org

Dear Mr Carter,

Subject: Your applications for access to documents – Ref GestDem No 2019-0432, No 2019-0456, No 2019-0457 and No 2019-0458

We refer to your letters dated 23/01/2019 and 25/01/2019 in which you make requests for access to documents, registered on 23/01/2019 and 25/01/2019 respectively, under the above-mentioned reference numbers.

You request access to:

- Minutes of all meetings since 01.01.2015 between DG MOVE and the following companies or with their members;
- Any correspondence since 01.01.2015 between DG MOVE and the following companies or any of their members, including e-mail and letter exchanges (including attachments).

The companies concerned are:

- 1) European Transport Workers' Federation (ETF);
- 2) European association for forwarding, transport, logistic and Customs services (CLECAT);
- 3) European Road Transport Research Advisory Council (ERTRAC);
- 4) International Road Transport Union Permanent Delegation to the EU (IRU).

Your application concerns a very long timeframe with potentially a very large number of 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(3) of Regulation 1049/2001.

In addition, Article 6(3) of the Regulation provides that in the event of an application relating potentially to a 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 which need to be sought, not the deadline for replying.¹ This means that the scope of the request must be reduced in a way that would enable its treatment within an extended deadline of 15 + 15 working days.

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 the above-mentioned provision, we would kindly ask you to specify the objective of your request and your specific interest in the documents requested², and whether you could narrow down the scope of your request (i.e. the subject matters and/or timeframe covered), so as to reduce it to a more manageable amount of documents.

According to our first estimates, the handling of your request would take 30 working days³, broken down as follows:

- identification of the documents falling under your request: potentially 3 working days;
- retrieval and establishment of a complete list of the documents identified: potentially 5 working days;
- scanning of the documents: 1 working day;
- assessment of the content of the documents in light of the exceptions of Article 4 of Regulation 1049/2001: potentially 3 working days;
- third-party/Member State(s) consultations under Article 4(4) and/or 4(5) of Regulation 1049/2001 (if it is discovered to be necessary): 5 working days;
- final assessment of the documents in light of the comments received: potentially 2 working days (if third-party/Member State(s)) consulted;
- drafting of the reply: 2 working days;
- redaction of those parts of the documents to which one or several exceptions apply(ies): potentially 2 working days;
- internal approval of the draft decision on your request: 5 working days;
- preparation of the reply and the documents for dispatch (scanning of the redacted versions, administrative treatment): potentially 2 working days.

It follows that, according to our first estimates, a maximum of 2 categories of documents could possibly be dealt with within the extended deadline of 30 working days counting from the date of registration of your applications on 23/01/2019 and 25/01/2019.

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 e-mail to: MOVE-C1-SECRETARIAT@ec.europa.eu

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

- by e-mail at: MOVE-C1-SECRETARIAT@ec.europa.eu
- by telephone at: (+32) (0)2 299 1111

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 – 06/03/2019.

Thank you in advance for your understanding

Yours sincerely,

(e-signed)

Head of Unit
MOVE.C1 – Road Transport Unit

² 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.

³ 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.