



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food Safety, Sustainability, and Innovation
Biotechnology

Brussels
SANTE.E.3/ (2023)

Mr Eric Meunier
Rue Saint Sabin, 38
B-75011 Paris
France
By e-mail only: Ask+request-13708-
a4bc7359@asktheeu.org

Dear Mr Meunier,

I am writing concerning your request for access to Commission documents registered on 17 October 2023 under case number EASE 2023/6117.

In addition, I also refer to our letter of 9 November 2023 extending the deadline for handling of your request.

Your application concerns a very large number of documents, many of them contain numerous attachments; all documents need to be assessed individually. In addition, certain documents are originating from third parties.

The analysis of these documents, together with the need to consult the third parties concerned, in accordance with Article 4(4) 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) of Regulation (EC) No 1049/2001 also 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 replying¹. 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 to specify the objective of your application and your specific interest in the documents requested², and whether

¹ Judgment of the Court of Justice of 2 October 2014, *Strack v European Commission*, C-127/13, (hereinafter referred to as the '*Strack v Commission* judgment'), EU:C:2014:2250, paragraphs 26-28.

² *Strack v Commission* judgment, paragraph 28; Judgment of the General Court (then 'Court of First Instance') of 22 May 2012, *EnBW Energie Baden-Württemberg v European Commission*, T-344/08, EU: T:2012:242, paragraph 105.

you could narrow down the scope of your application, so as to reduce it to a more manageable number of documents.

To help you to narrow down your application, please find attached a list of documents identified within the scope of your request; certain of the references listed there include attachments which are not separately indicated on the list. The documents are grouped into categories:

- Invitations to external events;
- Meeting reports;
- Briefings;
- Correspondence with citizens, stakeholders, Member States, MEPs, third countries (letters and replies);
- Internal Commission exchanges.

We have identified all documents falling under your request and established a complete list thereof; this task took 15 working days. According to our first estimates, the further handling of your request would take 100 working days³, broken down as follows:

- assessment of the content of the documents in light of the exceptions of Article 4 of Regulation (EC) No 1049/2001: 40 working days;
- third-party consultations under Article 4(4) of Regulation (EC) No 1049/2001: 20 working days;
- drafting of the reply: 5 working days;
- redaction of those parts of the documents to which one or several exceptions apply: 15 working days;
- internal review and approval of the draft decision: 15 working days; and
- preparation of the reply and the documents for dispatch (scanning of the redacted versions, administrative processing etc.): 5 working days.

It follows that, according to our estimates, a maximum of 30 documents, could possibly be dealt with within the extended deadline of 30 working days counting from the date of registration of your request.

In this context we propose you choose from the list here attached up to 30 documents. Please reply to this proposal for a fair solution **within five working days at the latest**.

In the absence of a reply within five working days, we will restrict the scope of your application to those parts that can be dealt with within the extended deadline of 30 working days. Thank you in advance for your understanding.

Yours sincerely,

Irene SACRISTAN SANCHEZ
Head of Unit

Enclosure: Annex – List of documents

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.