



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate B – Investment, Innovative & Sustainable Transport
B.4 – Sustainable & Intelligent Transport

MOVE.DDG1.B.4/

Ms Agathe Bonfour
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Subject: Your application for access to documents – EASE 2023/4503

Dear Ms Bonfour,

We are writing concerning your request for access to Commission documents registered on 28 July 2023 under case number 2023/4503.

You request access to the following documents:

“1- All correspondence (including email, SMS, private twitter and WhatsApp) between formers or the present transport Commissioner, or members of his/her cabinet, or any other representatives of DG Move, on the one side; and representatives of ‘Concawe’, or Representatives of ‘Fuels Europe’, or with PR companies or law firms representing ‘Concawe’ or ‘Fuels Europe’ in which the following topics were discussed : “air pollutant emissions standards for combustion-engine vehicles (Euro 6 or 7)” or “air quality directive” or “auto/oil programme” or “air quality modelling”.

2- All briefings, minutes of meetings, and correspondence between between formers or the present transport Commissioner, or members of his/her cabinet, or any other representatives of DG Move, on the one side; and representatives of ‘Concawe’, or Representatives of ‘Fuels Europe’, or with PR companies or law firms representing ‘Concawe’ or ‘Fuels Europe’ in which the following topics were discussed : “air pollutant emissions standards for combustion-engine vehicles (Euro 6 or 7)” or “air quality directive” or “auto/oil programme” or “air quality modelling”.

You further clarified that the time period covered by your request is from 1 January 2001 until now.

Your request therefore concerns an extremely large period of time, of over 22 years, and multiple documents relating to the previous and current Commissioners for Transport,

the members of their cabinets, and other DG MOVE representatives. The identification of the documents falling under your request, as well as their detailed and individual assessment, could not be carried out within the normal time limits set out in Article 7 of Regulation (EC) No 1049/2001¹.

The handling of your request would also involve the assessment of a very voluminous number of documents 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), could also not be expected to be completed within the normal time limits set out in Article 7 of Regulation (EC) No 1049/2001.

Further, the identification and examination of the documents requested would require an unreasonable amount of administrative work for the Commission services. This excessive amount of work relates not only to the number of documents covered by the request and their volume, but also to their nature and the diversity of their authors. It is clear that the necessary tasks would substantially impair the Commission services' other activities.

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 replying². 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 therefore kindly ask you to specify the objective of your applications and your specific interest in the documents requested³, and whether you could narrow down the scope of your application (i.e. the subject matter(s) and/or timeframe covered), so as to reduce them to a more manageable amount of documents.

According to our first estimates, we could possibly deal with documents relating to meetings held by Commissioner Adina-Ioana Vălean and the members of her Cabinet with the organisations concerned, for a period between 1 December 2019 and the date of registration of your request, and relating to the topics which you mention in your application, within the extended deadline of 30 working days counting from the date of registration of your request.

In order to enable us to respect the time-limits of Regulation (EC) No 1049/2001, please reply to this proposal for a fair solution **within five working days at the latest**.

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

² 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.

³ *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.

In the absence of a reply within five working days, we will unilaterally restrict the scope of your application to that suggested in this letter.

Thank you in advance for your understanding.

Kind regards,

Kristian HEDBERG
Head of Unit