Dear Mr Pollet,

We refer to your e-mail of 16 May 2023 wherein you make a request for access to documents pursuant to 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 ('Regulation 1049/2001'), registered on the same day under the reference number EASE 2023/2905.

By your application you are requesting:

'*Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:*

Thierry Breton and TIM on on 27/02/2023
Thierry Breton and Telefonica on 27/02/2023 Thierry Breton and Deutsche Telekom on 27/02/2023 Thierry Breton and Orange on 27/02/2023 Thierry Breton and Vodafone on 27/02/2023 Thierry Breton and Telefonica on 10/02/2023 Thierry Breton and Orange, Deutsche Telekom, Telefonica, GSMA Europe, Vodafone, TIM, Teleanor on 10/10/2022 Thierry Breton and TIM on 22/09/2022 Thierry Breton and Telefonica on 20/09/2022

Eleonora Ocello, Valere Moutarlier and Vodafone on 07/03/2023 Eleonora Ocella, Lucia Caudet and Vodafone on 27/02/2923 Lucia Caudet, Eleonora Ocella and TIM on 27/02/2023 Lucia Caudet, Eleonora Ocella and Orange on 27/02/2023 Lucia Caudet, Eleonora Ocella and Deutsche Telekom on 27/02/2023 Lucia Caudet, Eleonora Ocella and Telefonica on 27/02/2023 Eleonora Ocello and Telefonica on 10/02/2023 Eleonora Ocello and Bouygues on 08/02/2023 Eleonora Ocello and Telefonica on 06/02/2023 Eleonora Ocello and GSMA Europe on 26/01/2023 Filomena Chirico and Orange, Deutsche Telekom, Telefonica, GSMA Europe, Vodafone, TIM and Telenor on 10/10/2022 Filomena Chirico and GSMA Europe on 22/09/2022 Filomena Chirico and TIM on 22/09/2022 Filomena Chirico and Telefonica on 20/09/2022 Filomena Chirico and TIM on 13/09/2022 Filomena Chirico and Deutsche Telekom on 29/06/2022 Filomena Chirico and Bouygues on 13/06/2022 Filomena Chirico and Telefonica on 17/05/2022 Agnieszka Skonieczna and Bouygues on 02/03/2022 Filomena Chirico and Orange on 13/012/2022

On those meetings, I am requesting the following documents:

- All minutes, agendas, summary, memos and any other reports of these meetings, issued both in preparation and after the meetings took place.
- All correspondence including attachments (including, but not limited to any emails, correspondence or telephone call notes) and follow-ups, between any Directorates General/the cabinet, Commissioner Breton and the companies/organizations or any intermediaries representing their interests.
- All correspondence including attachments (i.e. any emails, correspondence or telephone call notes) and followups, between any Directorate Generals, the cabinet and Commissioner Breton about those meetings, issued both prior and after.
- All documents prepared for the meetings and exchanged in the course of the meetings between both parties.'

Your application concerns a large number of meetings. In your request you indicate 29 meetings of Commissioner Breton and his Cabinet for which you request various categories of documents.

Due to the scope of your request, the work needed to deal with your application requires multiple searches for documents, and entails the following steps:

- multiple searches for the identification of the documents within DG CONNECT and the Cabinet of Commissioner Breton which may fall within the scope of the request;
- retrieval, individual analysis of the documents and establishment of a complete list of the documents falling under the scope of your request;
- scanning of the documents which are not in pdf format;
- preliminary individual assessment of the content of the documents in light of the exceptions contained in Article 4 of Regulation 1049/2001;
- Third party consultations under Article 4(4) of Regulation (EC) No 1049/2001;
- final assessment of the documents in light of the comments received;
- redaction of those parts of the documents to which one or several exceptions apply;
- preparation and finalisation of the reply for the request, and
- preparation of the reply and the documents for dispatch.

It follows from the above that the work needed for the treatment of your request cannot expected to be completed within the normal time limits set out in Article 7 of Regulation 1049/2001.

Article 6(3) of the Regulation 1049/2001 provides that, in the event of an application relating to a very long or 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 Union Courts, the proposal for a fair solution aims to balance the interest of the applicant against the workload resulting from the processing of the application in order to safeguard the interests of good administration (Judgments of 6 December 2001, Council v Hautala, Case C 353/99 P, EU:C:2001: 661, para. 30, and of 2 October 2014, Strack v Commission, Case C 127/13 P, EU:C:2014:2250, para.27). Such solution can only concern the content or the number of documents applied for, not the deadline for replying (Judgment of the Court of Justice of 2 October 2014 in case C- 127/13, Guido Strack v Commission, paragraphs 26-28).

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.

Taking this into account and based on the above-mentioned provision, we would kindly ask you to narrow down the scope of your request, so as to reduce it to a more manageable amount of documents.

Taking into account the other 'access to documents' requests being handled within DG CONNECT at the same time, the global workload of the concerned staff during the same period, the human resources available and the need to safeguard good administration, we consider that in the remaining timeframe we would be able to deal with a **maximum of 10 meetings** of the ones initially indicated in your request for access to documents.

In order to enable us to respect the time limits of Regulation 1049/2001, we would ask you for a swift response to our proposal for a fair solution. Please respond by email **within 5 working days, i.e. on 12 June 2023 at the latest**.

Please send your response by email to the following address:
CNECT-PUBLIC-ACCESS-TO-DOCUMENTS@ec.europa.eu

In the absence of a reply within the abovementioned deadline, 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 date of registration of your application.

Thank you in advance for your cooperation.

Yours faithfully,

The DG CONNECT Access to Documents Team

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DG CONNECT – ACCESS TO DOCUMENTS
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