



LEGAL AFFAIRS SERVICES

Parma, 23 November 2022
Ref. LV/MLP/mm (2022) – out-27785787

Julia Thibord
POLLINIS
10, rue saint Marc
FR-75002 Paris
France

E-mail: ask+request-11946-a3199849@asktheeu.org

Re: Your application for public access to documents (PAD) of 10 October 2022

Our ref.: PAD 2022/140

Dear Ms Thibord,

I refer to your application for public access to documents (hereinafter “*PAD application*”) of 10 October 2022 registered by EFSA as PAD 2022/140, by means of which, you requested access to “*information and documents on the following matters*”:

- 1. Have any RNAi-based pesticides (such as ds-RNA-spray treatment) been authorised under Regulation 1107/2009 and/or have any applications been filed and/or are currently being assessed pursuant to Regulation 1107/2009 (or any other legislation)?*
- 2. Have any other plant protection techniques or products using new breeding technologies or biotechnologies (including new genomic techniques, precision bred organisms, gene silencing, gene driving, etc.) been authorised under Regulation 1107/2009 and/or have any applications been filed and/or are currently being assessed pursuant to Regulation 1107/2009 (or any other legislation)?”.*

Having duly processed your PAD application in accordance with the provisions of [Regulation \(EC\) No 1049/2001](#) on public access to documents (hereinafter, “*the PAD Regulation*”), and in light of the internal verifications carried out in this respect, we would like to inform you that EFSA is not in possession of any document requested under point 1) and point 2) of your PAD application.

Indeed, please note that no authorisation has been granted under [Regulation 1107/2009](#) as concerns the plant protection products listed under point 1 and point 2 of your request. Furthermore, EFSA did not receive any application for approval of active substances in the scope of your PAD application yet.

Please note that in application of the [case law of the Union Courts](#), a presumption of legality is attached to any statement made by an Institution concerning the non-existence of documents requested. See in this regard [Case T-42/05, Williams v Commission, T-380/04, ECLI:EU:T:2008:325](#); [Joined Cases T-110/03, Ioannis Terezakis v. Commission, ECLI:EU:T:2008:19](#); [Case T-150/03, Sison v. Council \[2005\] ECLI:EU:T:2005:143](#).

Please note that your request for information under point 1) and 2) above is processed in accordance with [EFSA's](#) and [EU's](#) Codes of good administrative behaviour. EFSA will come back to you in this regard by 12 December 2022 at the latest.

To exercise your right to appeal against this decision by a confirmatory application, you may write to EFSA as detailed below. You have fifteen working days from receipt of this letter to appeal. In case

you submit a confirmatory application, EFSA will inform you of the outcome of this re-examination of your request within fifteen working days.

Confirmatory applications must be sent via:

- [Connect.EFSA](#) Portal by selecting “*confirmatory application*” once your first request is closed: this is accessible only if you are registered in the system and if you have submitted the initial request in Connect.EFSA Portal, or
- Introduce a new application in [Connect.EFSA](#) Portal (in case you are not registered in the Portal) mentioning the reference to your initial application in relation to which you would like an administrative review of the initial decision, or
- Send an e-mail to:
EFSA
Dirk Detken
Head of Legal and Affairs Services
Via Carlo Magno 1/A
IT – 43126 Parma
Italy

E-mail: dirk.detken@efsa.europa.eu

Yours sincerely,

Luisa Venier
Team Leader of Legal Processes Team
EFSA Public Access to Documents

CC: M. Tiramani (EFSA).