EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Safety of the Food Chain
Chemicals, contaminants, pesticides

Brussels,
E3/

Dear

Subject: EC Commission's recent decision to postpone the review of glyphosate herbicide until 2015

I refer back to your letter of 2 December 2010, addressed to Commissioner Dalli, through which you applied for a copy of documents in accordance with Regulation (EC) N° 1049/2001 regarding public access to European Parliament, Council and Commission documents.

More particularly, that request concerned the Draft Assessment Report, which forms the initial scientific basis of the assessment of a substance used in plant protection products, prior to its EU approval.

In the case of glyphosate, that Report has been drafted by Germany, which acted as Rapporteur Member State.

Article 7(6) of Commission Regulation (EC) No 3600/92, modified by Regulation (EC) No 1199/97, explicitly prescribes that this document, being a part of the Commission's Review Report, and with the exclusion of confidential information it would contain, shall be made available on specific request or kept available by Member States for consultation by interested parties.

The term "interested parties" must be interpreted in the largest sense.

Therefore, I invite you to request the document directly from that competent authority.

The person that may be consulted to this effect is (mail address: @bvl.bund.de)

Moreover, that report comprises the list of studies which have been relied upon for the assessment of that substance. It should be noted however that the presentation of the studies is a legal obligation for any notifier seeking the inclusion of its substance in the list of substances that can be authorised within the EU, in direct application of Annexes II and III of Directive 91/414/EEC (the so-called data requirements). As a consequence, their submission must not be subject to a formalised request by the Commission as you seem to interpret the system.

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Furthermore, it must be underlined that the assessment is based on a limited range of representative uses. This implies that other studies and their assessment may exist at national level for other uses than those covered by the EU review. It may then be advisable that you contact directly the national authorities for further information in this respect.

I hope this information is useful to you.

Best regards,

[redacted]

Copy: SANCO ACCES TO DOCUMENTS
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