

15 APR 2015

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Mr Lucas Fourquet
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75011, Paris, France

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Subject: Supplementary reply to your request for public access to documents of 3 February 2015

Ref.: PAD 2015/8

Dear Mr Fourquet,

I am writing to you in order to supplement the initial reply of 20 March 2015, which addressed your request for public access to documents submitted on the 3 February 2015 in accordance with Regulation (EC) No 1049/2001¹ (hereinafter the "PAD Regulation"), relating to correspondence between EFSA and a series of organisations in relation to the EFSA Scientific Opinion on Bisphenol A.

With the present letter we are pleased to provide you with additional documents pertinent to your request and to further inform you about the next procedural steps.

1. Additional documents disclosed

In your e-mail of 3 February 2015 you requested *inter alia* access to correspondence between EFSA and several organisations in relation to the EFSA Scientific Opinion on Bisphenol A².

In this matter please note that EFSA exchanged correspondence only with some of the organisations listed in your request, namely with Bayer, PlasticsEurope, ANSES, Fera (former Food and Environment Research Agency), US Food and Drug Administration (FDA), Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL) and Bundesinstitut für Risikobewertung (BfR).

Having further assessed your request in accordance with the PAD Regulation and taking into account the outcome of the third-party consultation foreseen under Article 4(4) and

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. 43-48, applicable to EFSA.

² Scientific Opinion on the risks to public health related to the presence of Bisphenol A (BPA) in foodstuffs published on 21 January 2015 at the following link (EFSA Journal 2015;13(1):3978): <http://www.efsa.europa.eu/it/efsajournal/pub/3978.htm>.

(5), we are pleased to disclose³ to you additional correspondence relevant to the subject matter, which has been grouped for your convenience according to the respective organisation, in the following way:

- Correspondence (including e-mails) with Bayer
- Correspondence (including e-mails) with PlasticsEurope
- Correspondence (including e-mails) with Fera
- Correspondence (including e-mails) with ANSES
- Correspondence (including e-mails) with BfR

In addition:

- Correspondence related to the organisation of the National Experts meeting on BPA of 29-30 October 2012

Please note that all personal data (i.e. names of individuals and other personal data as well as hand-written signatures) present in the documents disclosed to you have been masked in accordance with Article 4(1)(b) of the PAD Regulation and Article 8(b) of the Data Protection Regulation (EC) No 45/2001⁴. In application of settled case law of the European Courts, EFSA will only be able to balance the interests at stake and to consider the disclosure of personal data after you have provided an express and legitimate justification and convincing arguments, demonstrating the necessity for having personal data transferred to you.

We hope you find the disclosed documents useful. I must remind you that all persons reproducing, redistributing, exploiting or making commercial use of this information are expected to adhere to the terms and conditions asserted by the copyright holder.

2. The next foreseen disclosure

As communicated to you in paragraph 3 of the initial reply, since your request refers to a very large number and variety of documents to be assessed under the PAD Regulation, disclosure of the requested documents occurs via subsequent batches. The next and probably final batch shall be screened and assessed for release by **7 May 2015** at the latest. We hope you find this satisfactory.

3. Confirmatory application

To exercise your right to appeal this decision on a partial disclosure by a confirmatory application, you may write to EFSA at the address below. You have fifteen working days from receipt of this letter to appeal. Beyond this deadline, your initial request will be considered as satisfied. In case you submit a confirmatory application, EFSA will inform you of the outcome of the re-examination of your request within fifteen working days of receipt, either by granting you access to the documents or by confirming the refusal. In the latter case, you will also be informed of any further appeal routes available.

³ As established in paragraph 1 of the initial reply of 20 March 2015, only documents falling under parts 1 and 2 are hereby disclosed, deprived of their attachment, if not expressly requested.

⁴ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ L 8, 12.1.2001, p. 1–22.

Further correspondence must be sent to:

EFSA

Dirk Detken, Head of the Legal and Regulatory Affairs Unit

Via Carlo Magno 1/A

I – 43126 Parma

E-mail: EFSA.public.access.to.documents@efsa.europa.eu.

Yours sincerely,



Dirk Detken

Enclosure: CD-ROM

Cc: A. Castoldi, C. Roncancio Peña (EFSA)