

Parma, 12 December, 2017
Ref. DD/CP/mm (2017) - out-18812557

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Re: Your request for public access to documents of 8 November 2017

Rour ref.: PAD 2017/099

Dear Mr Jensen,

I refer to your e-mail of 30 November 2017, submitted from the website "Ask the EU", by means of which you clarified the scope of your request for public access to documents with EFSA's reference PAD 2017/099, processed by EFSA in accordance with Regulation (EC) No 1049/2001 regarding public access to documents¹ (hereinafter "*the PAD Regulation*").

You specify that you are interested in receiving "*the data underlying the Scientific report and additional data received from the MS that took part and answered the Excel file*" which we understand as being all additional epidemiological data on the Avian Influenza (AI) outbreaks in poultry and captive birds that occurred from October 2016 to 30 April 2017, submitted by 19 Member States (MS) directly to EFSA by means of Excel files in the context of EFSA's Scientific Report on the avian influenza overview October 2016–August 2017².

As anticipated to you, EFSA is now starting to liaise with the 19 MS data providers on the release of their datasets, in accordance with Article 4(5) of the PAD Regulation. Indeed, and with reference to your e-mail of 30 November 2017, we would like to highlight that while the Danish Veterinary and Food Administration, one of the 19 Member States, is the owner of the data and is therefore in a very clear position as to the release of their own data, EFSA is not the owner of the requested data and therefore has the obligation to consult with the data providers before finalising its assessment on the accessibility of the data.

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 European Food Safety Authority, European Centre for Disease Prevention and Control, European Union Reference Laboratory for Avian influenza, Brown I, Mulatti P, Smietanka K, Staubach C, Willeberg P, Adlhoch C, Candiani D, Fabris C, Zancanaro G, Morgado J and Verdonck F, 2017. Scientific report on the avian influenza overview October 2016–August 2017. EFSA Journal 2017;15(10):5018, 101 pp. <https://doi.org/10.2903/j.efsa.2017.5018>.

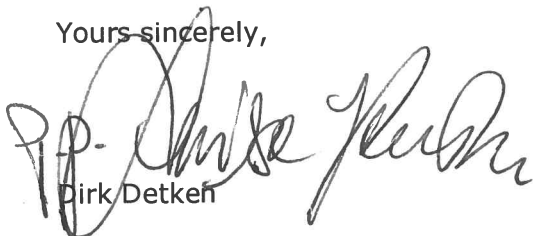
Following the conclusion of the dialogue with the MS, we will need some time to conclude on the accessibility of the data and address eventual claims for applying exceptions of the PAD Regulation in order to prepare the data for disclosure.

Please note in this regard that we would like to opt for sending you the data in one single batch, not providing you with partial disclosure of those datasets for which the consultations are already concluded.

For this reason, we would like to confer with you to find a fair solution, in accordance with Article 6(3) of the PAD Regulation³ to provide you with a comprehensive reply in a timeframe which is proportionate to the workload that your request entails, in particular considering the volume and nature of the requested data originating from Member States.

We will update you on the processing of your request by **22 January 2018**. Please accept our apologies for any inconveniences caused by this delay.

Yours sincerely,


Dirk Detken

Cc: N. Kriz (EFSA)

³ "In the event of an application relating to a very long document or to a very large number of documents, the institution concerned may confer with the applicant informally, with a view of finding a fair solution".