

10 SEP 2018

Parma,
Ref. DD/NN/msi (2018) - out - 19821215

Laurent Gaberell

e-mail:
ask+request-5867-1046a982@asktheeu.org

Re: Your request for public access to documents of 20 August 2018

Our ref.: PAD 2018/071

Dear Mr Gaberell,

I refer to your application for public access to documents of 20 August 2018, submitted from the website "AskTheEU.org", by means of which you requested access to *"documents which contain the following information: Draft assessment report for Diafenthiuron. Or any other Diafenthiuron risk assessment report"*.

Having duly considered your request in accordance with Regulation (EC) No 1049/2001 regarding public access to documents¹ and after internal verification on whether EFSA is in the possession of any document pertaining to the scope you specified, we regret to inform you that EFSA does not hold any relevant document concerning your request².

To exercise your right to appeal 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. 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 of receipt. You will also be informed of any further appeal routes available.

Should you be interested in any other documents, you may submit a new public access to documents request at any time by writing to the e-mail address below. We remain at your disposal, in case you require any additional clarification.

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 In application of the settled case law of the Court of Justice of the European Union, a presumption of legality is attached to any statement made by an institution concerning the non-existence of documents requested. See 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.

Further correspondence must be sent to:

EFSA

Dirk Detken, Head of the Legal and Assurance Services

Via Carlo Magno 1/A

I – 43126 Parma

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

Yours sincerely,

[SIGNED]

Dirk Detken

Cc: J. Tarazona