



HEAD OF THE LEGAL AND ASSURANCE SERVICES

Parma, 19 August 2019
Ref. DD/CR/mm (2019) - out-21762782

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Re: Your request for public access to documents of 5 July 2019
Ref.: PAD 2019/061

Dear Ms Darbshire,

I refer to your request of 5 July 2019, submitted from the website "AskTheEU.org", by means of which you asked for access to *"the travel expenses of EFSA's Director, for the period 1 January 2017 to 31 December 2018 inclusive"*, with your indication that you are *"looking for documents that contain, for each of the trips, the following information:*

- *Place of origin and destination, and the amount spent on travel or transportation;*
- *Exact dates and duration of the trip;*
- *Amount spent on accommodation;*
- *Amount spent on subsistence;*
- *Other information, such as possible miscellaneous costs.*

If the travel was by air taxi and a team of people were travelling, please also provide documents with details on the other travellers (at a minimum, names and job titles)."

Having assessed your application in accordance with Regulation (EC) No 1049/2001¹ on public access to documents (hereinafter *"the PAD Regulation"*), we would like to provide you with a response as follows:

1. Partial disclosure

We are pleased to grant you access to three documents that were identified as containing the information you wish to obtain in enclosure to this letter.

In **enclosures 1 & 2**, you find lists of the 24 trips the EFSA Executive Director (ED) carried out during 2017 and the 23 trips he carried out during 2018, with details on the related expenses. As you may note, the 2018 list (enclosure 2) includes a specific column "EFSA Staff members participating at the same meeting". Please note that for the 2017 missions, this information is provided in the separate **enclosure 3**.

For certain missions, the ceiling costs for accommodation provided for in the Staff Regulations² have been exceeded. However, these additional costs were borne by the ED himself. In the 2017 overview (**enclosure 1**), details on this aspect are provided in the right-hand column 'comments', whereas as

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 See Article 112(2) and Annex VII, Article 13 of Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385), as last amended.

concerns 2018 (**enclosure 2**), this information is available cross-reading the columns 'Amount', 'Hotel bill', 'difference not claimed'.

Finally, we can also confirm that neither in 2017 nor in 2018, air taxis have been used for the missions of the ED.

Please note that the enclosures provide you with the names of EFSA staff members as far as they are in a management position (Head of Unit or above). Instead, names of other staff members who have accompanied the ED on his 2017 & 2018 missions are not revealed to you in accordance with Article 4(1)(b) of the PAD Regulation. In application of this provision, personal data cannot be disclosed when this would undermine the privacy and integrity of the individuals concerned. In accordance with settled case law of the Court of Justice of the European Union³, this exception to disclosure for reasons of data protection and privacy is to be interpreted as a referral to Regulation (EU) 2018/1725⁴ (hereinafter '*the Data Protection Regulation*') which now provides the regulatory framework in the area of personal data protection applicable to the EU institutions and agencies, including EFSA, with continued applicability of the case law⁵ developed under the repealed Regulation (EC) No 1049/2001. In line with the settled case law of the Union Courts, EFSA will only be able to balance the interests at stake and to consider the disclosure of the personal data in question after you have provided an express and legitimate justification and convincing arguments in order to demonstrate the necessity of having personal data transmitted to you.

2. Confirmatory Application

We hope you will find the documents useful. To exercise your right to appeal against this decision of partial disclosure by a confirmatory application, pursuant to Article 7(2) of the PAD Regulation, 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 this 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.

Yours sincerely,

[Signed]

Dirk Detken

Encl.: 3

Cc.: F. Monnart (EFSA)

³ See Judgment in Case C-28/08 P, European Commission vs. Bavarian Lager Co. Ltd., EU:C:2010:378.

⁴ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ 21.11.2018, L 295/39.

⁵ See Article 99 of Regulation (EU) 2018/1725.