



LEGAL AND ASSURANCE SERVICES

Parma, 3 January 2022
Ref. LV/NN/mm (2021) – out-25663640

Louise Voller
Mie Obbekær

Email: [ask+request-10323-
de2a0143@asktheeu.org](mailto:ask+request-10323-de2a0143@asktheeu.org)

Re: Your application for public access to documents of 3 December 2021

Our ref.: PAD 2021/173

Dear Ms Voller, Dear Ms Obbekær,

I hereby acknowledge receipt of your e-mail of 3 December 2021, by means of which you requested access to “documents which contain the following information: EU countries that have requested to use chlorpyrifos and/or chlorpyrifos-methyl for a period not exceeding 120 days and for limited and controlled use because an emergency situation has occurred”. You highlight that you are “interested in data for 2020 and 2021”.

Your PAD application has been registered as PAD 2021/173 and processed in accordance with [Regulation \(EC\) No 1049/2001](#). We would like to provide you with a reply as follows.

Please be informed that emergency authorisations are granted by the EU Member States (MS) which are required to communicate such authorisations to the European Commission and other Member States in accordance with Article 53 of [Regulation \(EC\) No 1107/2009](#), providing detailed information about the situation and any measures taken to ensure consumer safety. EFSA can be mandated by the European Commission in accordance with Article 53(2) of Regulation (EC) No 1107/2009 to revise the assessments prepared by the EU MS when granting the emergency authorisations. As concerns chlorpyrifos and chlorpyrifos-methyl, please be informed that EFSA did not receive a mandate from the European Commission in accordance with Article 53(2) of Regulation (EC) No 1107/2009.

Therefore, having duly considered your PAD application and having conducted the requisite internal verifications, we regret to inform you that EFSA is not in possession of the requested documents. Please note that, as confirmed by the settled case law of the Court of Justice of the European Union¹, a presumption of veracity shall be applicable in situations whereby an EU institution, body, office or agency declares that it is not in possession of documents requested by way of the medium of public access to documents.

Please note that you can find more information regarding this subject on the European Commission’s website at the following links:

- https://ec.europa.eu/food/plants/pesticides/authorisation-plant-protection-products/ppp-auth_en#emergency_authorisation
- https://ec.europa.eu/food/system/files/2016-10/pesticides_auth-ppp_pppams_factsheet_en.pdf

¹ See, for instance, Judgment of 23 April 2018, Verein Deutsche Sprache v Commission, T-468/16, ECLI:EU:T:2018:207, para 35 and 36 as well as case law cited; Judgment of 19 January 2010, Co-Frutta v Commission, T-355/04 and T-446/04, ECLI:EU:T:2010:15, para. 155 and case law cited.

You may also wish to contact the European Commission to obtain documents in relation to your request. You can submit your request via the specific form available on the European Commission website: <https://ec.europa.eu/transparency/regdoc/index.cfm?fuseaction=fmb&language=en>.

Finally, we would like to inform you that the AsktheEU.org website you have used for submitting your request is a third-party platform, with no link to the institutions, agencies and bodies of the EU, including EFSA. Consequently, EFSA cannot be held liable for any errors of any kind occurring as a result of the use of this platform. Additionally, please note that the third party running the AsktheEU.org website is responsible for the processing of your personal data by means of this platform. For further information, including the way the third party addresses your rights in the light of applicable data protection legislation, please refer to the third party's privacy policy.

To exercise your right to appeal against this decision by way of 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, 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.

Confirmatory applications must be sent to:

EFSA
Dirk Detken, Head of Unit - Legal & Assurance Services
Via Carlo Magno 1/A
IT – 43126 Parma
Italy

E-mail: Dirk.Detken@efsa.europa.eu

Yours sincerely,

Luisa Venier
Team Leader of Legal Processes Team
EFSA Public Access to Documents

Cc: M. Tiramani (EFSA)