

10 JUN 2016

Ref. DD/CR/lm (2016) – out- 15826869

Vincent Harmsen

e-mail: ask+request-2654-95dc8d0a@asktheeu.org

Subject: Your request for public access to documents of 2 March 2016

Ref.: PAD 2016/027

Dear Mr Harmsen,

I refer to your request for public access to documents submitted by e-mail on 2 March 2016, by means of which you requested access to *'all correspondence (including emails), agendas, minutes of meetings and any other reports of such meetings where the findings of the International Agency for Research on Cancer (IARC) regarding the potential carcinogenicity of glyphosate or glyphosate-containing plant protection products were discussed by EFSA officials (between March 2015 and March 2016)'*. In your clarification e-mail of 27 March 2016, you state that you are interested in correspondence in which the subject above was *'discussed internally at EFSA by its staff'*.

After further processing your request in accordance with Regulation (EC) No 1049/2001 on public access to documents¹ (hereinafter the "*PAD Regulation*") we are pleased to inform you of the following. In our letter dated 18 April 2016, in view of the fact your requests involves the screening of a large number of documents pertaining to the one-year time period, EFSA proposed to you a fair solution to provide you with replies in batches in application of Article 6(3) of the PAD Regulation. Accordingly, this letter provides you with a final batch of documents falling in the scope of your public access request.

1. Partial Disclosure – second and final batch of documents

The documents herewith enclosed concern the meetings of an internal steering committee at EFSA on glyphosate which convened in the time period of December 2015 until February 2016. We would like to specify the following concerning the documents partially disclosed to you as herewith attached:

- The text related to several points in the agendas and meeting minutes has been masked as these parts fall outside the specific scope of your public access request as cited above;
- As you may note, a recurrent discussion point during these meetings relates to the preparation of a trilateral meeting, later onwards reduced to a bilateral meeting between EFSA and IARC, to happen during February 2016. It should be highlighted that despite these discussions and detailed preparations, eventually this bilateral meeting between EFSA and IARC did not take place;

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.

- Please note that all personal data (i.e. names of individuals and other personal data such as e-mail accounts as well as comments of a personal nature) present in all 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 45/2001². In line with the settled case law of the European Union Courts³, 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 in order to demonstrate the necessity of 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. Confirmatory Application

To exercise your right to appeal against this decision of 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. 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.

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: 1

Cc: J. Kleiner (EFSA)

² 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 L8, 12.1.2001, p. 1-22.

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