

18 APR 2016

Ref. DD/CR/mm (2016) – out-15594846

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 stated that you were interested in correspondence in which the subject above was *'discussed internally at EFSA by its staff'*.

We would like to inform you that we are processing your request in accordance with Regulation (EC) No 1049/2001 on public access to documents¹ (hereinafter the "*PAD Regulation*") and we would like to inform you on the state of play with the following outcome.

EFSA is proceeding with the collection and screening of the internal correspondence which concerns a large number of documents pertaining to the one-year time period specified in your public access request. EFSA would like to find a fair solution in application of Article 6(3) of the PAD Regulation, by proposing you to provide replies in batches, along the progress of the case-by-case assessment of the documents in accordance with the PAD Regulation. Please find herewith attached a first batch of documents falling in the scope of your public access request. We will provide you with a second batch by **12 May 2016** at the latest.

1. Partial Disclosure – first batch of documents

The first batch of documents herewith enclosed concerns internal e-mails exchanged in the time period from March 2015 until July 2015 on which the confidentiality status has been cleared. Please note that EFSA is still in the process of clarifying the confidentiality status with regard to other internal e-mails exchanged in the same time period. After clearance, these e-mails will be disclosed to you as part of the second batch by 12 May 2016.

Please note that all personal data (i.e. names of individuals and other personal data such as hand-written signatures or 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

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.

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 will 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. Beyond this deadline, your initial request will be considered as fully satisfied. In case you submit a confirmatory application, EFSA will inform you of the outcome of the 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

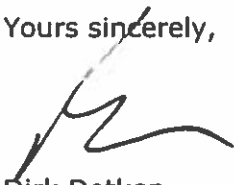
Via Carlo Magno 1/A

I – 43126 Parma

Italy

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

Yours sincerely,



Dirk Detken

Enclosure: 1

Cc: J. Tarazona (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.