

EXECUTIVE DIRECTOR

Parma, 7 April 2017  
Ref. BU/DD/mm (2017) – out-17237220

Chantal Viala  
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**Re: Reply to your confirmatory application for public access to documents of 12 January 2017 – 2014 EU control programme monitoring and national control programme pesticide residue data**  
Our ref.: PAD 2017/007 CA of 2016/093

Dear Mrs Viala,

I refer to your confirmatory application for access to documents of 12 January 2017, by means of which you objected to EFSA's initial reply to your request for public access to documents registered as PAD 2016/093, providing you with partial access to pesticide residues data submitted to EFSA for the year 2014, both of the EU-coordinated control programme and the national control activities.

We have assessed your arguments objecting to the initial decision of partial release, in accordance with Regulation (EC) No 1049/2001<sup>1</sup> (hereinafter referred to as "*the PAD Regulation*") with the following outcome.

### **1. Full disclosure of 2014 Pesticide Residues Data**

With reference to two judgements<sup>2</sup> of the Court of Justice of the European Union which clarified certain notions of Regulation (EC) No 1367/2006<sup>3</sup> (hereinafter referred to as the "*the Aarhus Regulation*"), in particular that *'information on residues present in the environment following applications of the product concerned ... are covered by "information on emissions into the environment"'* (Para. 95 Case C-442/14), we are pleased to provide you with full access to the pesticide residues data submitted to EFSA for the year 2014, both of the EU-coordinated control programme and the national control activities.

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.

<sup>1</sup> 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.

<sup>2</sup> Judgements in Cases C-673/13 P, *Commission v Stichting Greenpeace Nederland and PAN Europe* (EU:C:2016:889) and C-442/14, *Bayer CropScience and Stichting De Bijenstichting* (EU:C:2016:890).

<sup>3</sup> Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies.

## 2. Format of Pesticide Residues Data

Please be informed that in accordance with Article 10(2) of the PAD Regulation, the pesticide residues data are supplied to you in an existing version and format, as reported by the EU Member States and EFTA countries to EFSA.

For the correct reading and understanding of the country files, please refer to the specific guidance on the use of the SSD for the pesticide monitoring data collection, which is available on EFSA's website<sup>4</sup>.

Moreover for linking the SSD names to the SSD codes in the raw data you may refer to the official catalogues of SSD controlled terminologies which are publicly available<sup>5</sup> as well as to the Excel file copied in the DVD provided to you and accompanying this letter.

As regards the practicalities of access to the data, please be informed that the data files were prepared in Statistical Analysis Software (SAS). In lack of a specific agreement, the SAS tables were exported in Comma Separated Values (CSV) format for convenience. CSV files are highly compressible for storage or transfer and easy to import in practically any analysis package or DBMS.

The data tables are really bulky and challenging for data handling, As a consequence, these files cannot be opened with Microsoft Excel or Microsoft Access or any other tool that cannot handle very large volume of data.

Do not hesitate to contact us should you encounter difficulties in accessing this large amount of data or should you prefer to receive the data in another file format compatible with EFSA's export capabilities (SAS Data Files, Text Files (Comma delimited (.CSV)), Simple text file (.txt) Tab delimited (.tab), Space delimited (.txt)).

## 3. Remedies

This decision may be challenged pursuant to Article 263 of the Treaty on the Functioning of the European Union (TFEU) by lodging an action contesting its legality before the General Court of the European Union within two months of its receipt. Further information on how to file an application can be found at <http://www.curia.europa.eu>.

In the alternative, if you believe that maladministration was committed by EFSA in dealing with the matter addressed by this decision, you have the right to make a complaint about it to the European Ombudsman pursuant to Article 228 of the TFEU and within two years of receiving EFSA's final position on the matter. Please be informed that before the Ombudsman can accept a complaint from you, it is necessary that you first raise your concerns with the Head of the Legal Affairs at the European Food Safety Authority by writing an email to [dirk.detken@efsa.europa.eu](mailto:dirk.detken@efsa.europa.eu).

The Ombudsman's online complaint form and further indications on how to file a complaint are available at: <http://www.ombudsman.europa.eu>

Yours sincerely,



Bernhard Url

Encl: 1 CD-ROM  
CC: . H. Verhagen (EFSA)

<sup>4</sup> Guidance on the use of the SSD for 2014 pesticide monitoring data collections: <http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2015.4195/full> (2014).

<sup>5</sup> <https://zenodo.org/record/344473#.WOX8NFV95pg>