

Parma, 20 September 2017  
Ref. DD/CP/mm (2017) – out-18392295

Nina Holland  
Agribusiness campaign  
Corporate Europe Observatory (CEO)  
Rue d'Edimbourg 26,  
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**Re: Your request for public access to documents of 12 May 2017**  
*Our ref: PAD 2017/036*

Dear Ms Holland,

I refer to your request for public access to documents submitted on 12 May 2017 through Ask the EU website, by means of which you requested access to:

*"1. Any documents between December 2013 and December 2015, including briefings, reports, correspondence (email or other), where the active substance glyphosate is concerned or mentioned, between officials/representatives/experts of EFSA and officials/representatives of:*

- Monsanto or any other company producing glyphosate*
- Glyphosate Task Force*
- Hume Brophy or any other firm representing industry with an interest in glyphosate*
- European Crop Protection Association (ECPA)*
- representatives of the US administration, including agencies such as the EPA and the FDA*
- representatives of the German government*
- the German Federal Institute for Risk Assessment BfR*

*2. A list of meetings, as well as agendas and minutes any other reports of such meetings, between December 2013 and now, where the active substance glyphosate is concerned or mentioned, between officials/representatives/experts of EFSA and officials/representatives of the entities mentioned in the list under 1.*

*3. All access to documents requests sent to EFSA on glyphosate (minus CEO's) since 2012."*

As per our letter of 8 June 2017 in view of the high number of documents falling within the scope of your request, in line with Article 6(3) of the PAD Regulation we proposed you to reply in different batches. This letter constitutes the third batch of documents falling within the scope of your request as indicated in our letters of 29 June and 21 July 2017.

**1. Partial disclosure – 3<sup>rd</sup> batch**

- i. Correspondence:** With regard to the first point of your request and as already stated in our letters of 29 June and 21 July 2017, we are considering your request

as covering exclusively briefings, reports and correspondence (e-mail or other) relating to the EFSA's work on the peer review of the active substance glyphosate under Regulation (EC) 1107/2009 concerning plant protection products<sup>1</sup>.

We are pleased to provide you with a second set of documents constituting the correspondence between EFSA and the organisations listed in your request. We have processed your request for correspondence exchanged until the date of your request, i.e. 12 May 2017.

For your convenience, the relevant correspondence for this second batch is grouped by organisation in the following way:

1. German Federal Office of Consumer Protection and Food Safety (**BVL**): correspondence exchanged is disclosed to you for the period of December 2013 – November 2015. Please note that we have not enclosed the comments that were exchanged in the correspondence as all the comments provided by Member States were published in the Peer Review Report on glyphosate<sup>2</sup>.
2. **Knoell Consult GmbH**: as you were already informed in our letter of 29 June 2017, the Glyphosate Task Force (GTF) that applied as applicant for the renewal of the approval of the active substance glyphosate appointed a consultant, which is Knoell Consult GmbH, as interface with EFSA for the whole peer review process. Therefore, all communications with and from the applicants were channelled through the consultant. The correspondence exchanged in 2014 is disclosed to you.

Regarding your complementary request, submitted on 15 July 2017 by e-mail, for access to the documents that *"were enclosed to the e-mail from Knoell Consult GmbH to EFSA, 6 November 2015"* disclosed to you with our letter of June 29 2017, after consulting the third party owner, we are pleased to provide you with the requested documents. Please note that some parts of the attachment *"Conclusions Glyphosate\_EFSA\_comments\_20151106.pdf"* were masked. The explanation on the sanitisation of this attachment can be found in the e-mail sent from EFSA to Knoell Consult GmbH on 10 November 2015 at 11:50 and disclosed to you in the second batch of documents sent to you on 29 June 2016 for your request. Please be informed that the applicant has the right to submit claims for confidential treatment of information which disclosure might undermine the applicant's commercial interest, in accordance with Article 63(2) of Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market (the PPP Regulation). The applicant shares with EFSA its confidentiality claims and EFSA agrees with the applicant on the proposed "sanitisations" of the documents to be made publicly available or not. Upon acceptance of the claims by EFSA, the sanitised documents are published on the EFSA's website.

3. German Federal Institute for Risk Assessment (**BfR**): correspondence exchanged in 2014 is disclosed to you.

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<sup>1</sup> Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, OJ L 309, 24.11.2009, p. 1-50.

<sup>2</sup> <http://registerofquestions.efsa.europa.eu/roqFrontend/outputLoader?output=ON-4302>.

4. German environmental protection agency (**UBA**): correspondence exchanged in 2015 is disclosed to you. Please note that the addendum provided with this correspondence by UBA has been published together with the Final Addendum<sup>3</sup>.
5. The United States Environmental Protection Agency (**EPA**): correspondence exchanged in 2015 is disclosed to you. Please note that for one piece of correspondence relating to the work that was carried out at the time, the consultation under Article 4(4) of the PAD Regulation, is not conclusive yet. Please confirm your interest in having access to these documents. We will be able to update you on the status of these documents as soon as the consultation will be concluded.

Regarding briefings, please be informed that EFSA is not in the possession of any briefings falling in the scope of your request.

- ii. **Meetings:** with regard to point 2 of your request relating to the meetings held with the third parties listed in your request, we would like to inform you that no list of the meetings held exists.

With regard to the private entities you listed in your request, please note that no agendas or minutes of meetings between EFSA and them exist between December 2013 and the date of your request, 12 May 2017.

Please note that the meetings held with Member States experts, part of the Pesticides Peer Review expert groups are all reported on EFSA's website. You can find the agendas and minutes of these meetings and a teleconference which took place during the EFSA's peer review of the active substance glyphosate on pages 1576 onward of the Peer Review Report on Glyphosate, as background document to the EFSA's Conclusion<sup>4</sup>.

Finally, with regard to the United States Environmental Protection Agency (US EPA), please be informed that two meetings took place:

- on 15 December 2015 a teleconference between EFSA and US EPA took place. We are pleased to provide you with the agenda of this teleconference. However, no minutes of this teleconference were produced, and
- in December 2016 a meeting organised by EPA FIFRA SAP open to the public and via web stream. The transcript and the report of the meeting are available online: <https://www.epa.gov/sap/fifra-scientific-advisory-panel-meetings>.

- iii. **Requests for access to documents:** with regard to point 3 of your request, we are pleased to provide you access to all the requests sent to EFSA on glyphosate (minus CEO's) since 2012. Please note that information not relevant for your request has been masked, in particular information of private nature. Please also be informed that three requests for access to documents sent to EFSA on glyphosate have already been provided to you with the list sent in enclosure to the first batch on 8 of June 2017, corresponding to number 5<sup>5</sup>, 20<sup>6</sup>, 24<sup>7</sup>, in the list. Indeed these requests were submitted through Ask the EU website and can be reached with the links provided to you.

With regard to one request for access to documents submitted by the European Chemicals Agency (ECHA) on 19 December 2016 (n°28 in the list released to you), please note that one part of a sentence has been masked in application of the exception

<sup>3</sup> Please see pages 4279 onwards of the Final Addendum available at:  
<http://registerofquestions.efsa.europa.eu/roqFrontend/wicket/page?0-1.ILinkListener-outputForm-outputDocumentsContainer-documents-1-fileNameLnk>.

<sup>4</sup> <http://registerofquestions.efsa.europa.eu/roqFrontend/outputLoader?output=ON-4302>.

<sup>5</sup> [https://www.asktheeu.org/en/request/draft\\_version\\_bfr\\_glyphosate\\_rep](https://www.asktheeu.org/en/request/draft_version_bfr_glyphosate_rep).

<sup>6</sup> [https://www.asktheeu.org/en/request/efsa\\_officials\\_on\\_iarc\\_glyphosat](https://www.asktheeu.org/en/request/efsa_officials_on_iarc_glyphosat).

<sup>7</sup> [https://www.asktheeu.org/en/request/is\\_glyphosate\\_safe\\_we\\_have\\_the\\_r](https://www.asktheeu.org/en/request/is_glyphosate_safe_we_have_the_r).

of Article 4(2), second indent of the PAD Regulation, relating to the protection of the legal advice. Indeed, after having consulted with ECHA, in accordance with Article 4(4) of the PAD Regulation, it results that, on the basis of a detailed analysis of the requested document, the half-a-sentence shall be protected on grounds that this part of the sentence contains a policy level analysis and legal considerations of ECHA's Legal Affairs Unit relating to its procedures. EFSA ascertained whether any overriding public interest in disclosure exists in the sense of Article 4(3), first paragraph, of the PAD Regulation, balancing specifically and actually any public interest in disclosing this information with the interest of preserving the legal advice of ECHA's Legal Affairs Unit and concluded that no overriding public interest in disclosure applies to this information.

Please note that personal data (i.e. names of individuals and other personal data) 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 45/2001. 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 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 document 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 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 Assurance Services  
Via Carlo Magno 1/A  
IT-43126 Parma  
Italy  
e-mail: [EFSA.public.access.to.documents@efsa.europa.eu](mailto:EFSA.public.access.to.documents@efsa.europa.eu).

Yours sincerely,

[SIGNED]

Dirk Detken

Cc: J. Tarazona (EFSA)

Encl: CD-ROM