Dear Ms Wallace,

Subject: Your application for access to documents - Ref GestDem No 2017/5991

We refer to your e-mail dated 16 October 2017 in which you make a request for access to documents, registered on the same date under the above mentioned reference number.

In particular, you have requested access to: "The transboundary notification (and all associated documents, including the risk assessment) for the export of genetically modified (GM) diamondback moths by Oxitec Ltd. to the USA, for open release in experiments in New York State."

As you indicate in your request, under Regulation (EC) No 1946/2003 an exporter must notify to the competent authority of the importing country the transboundary movement of a GMO intended for deliberate release into the environment. A copy of this notification, as well as of its acknowledgement of receipt and the decision of the importing country, must be sent to the European Commission by the exporter. However, the European Commission has not yet received any notification corresponding to the product referred to in your application.

For this reason, we regret to inform you that the Commission does not hold any documents that correspond to the description given in your application and it is not in a position to handle your request.

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access applies only to existing documents in the possession of the institution.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Ms Helen Wallace  
GeneWatch UK  
86 Dedworth Rd  
Windsor, SL4 5AY  
UNITED KINGDOM
Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-4
BERL 5/282
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

For the Director General absent,
Martin SEYCHELL
Deputy Director General

Xavier Prats Monné