

07 MAR 2017

Ref. DD/CP/mm (2017) -17055060

Vincent Harmsen
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Belgium

e-mail: ask+request-3699-5a7763a1@asktheeu.org

Re: Your request for public access to documents of 3 January 2017

Ref: PAD 2017/001

Dear Mr Harmsen,

Further to our previous letter dated 14 February 2017, I am hereby providing you with a complementary reply to your request sent on 3 January 2017, by means of which you requested access *"on the topic of the active substance glyphosate, all correspondence (including emails), agendas, minutes of meetings or any other reports of such meetings between officials of EFSA and representatives of (one or more of) the following organizations¹: (between January 2016 and January 2017)"*.

We have assessed your request in accordance with Regulation (EC) No 1049/2001 on public access to documents² (hereinafter the *"PAD Regulation"*) with the following outcome.

As EFSA already proposed to reply in batches along the process of finalisation of the consultations and following a case-by-case assessment of the large set of documents requested, the present letter includes a **second batch**, constituting of the exchanges between EFSA and certain industry organisations pertaining to the period from January 2016 to January 2017 as detailed below.

Please note that unfortunately the process of consultation did not arrive to an end and therefore, EFSA will provide you with a **third batch** of documents in complement to the present disclosure by **Tuesday 28 March 2017 at the latest**.

1. Partial disclosure – 2nd batch disclosure of correspondence between EFSA and industry organisations for the period January 2016 – January 2017.

As a preliminary remark, we would like to inform you that in accordance with Article 38(1)(c) of EFSA's Founding Regulation³, all background information relating to EFSA's peer review of glyphosate are proactively published on EFSA's website.

¹ Bayer, -Monsanto, -Syngenta, -ECPA, -Cefic, -Glyphosate Task Force, -Hume Brophy, -Fleishman-Hillard, Interel European Affairs, -EPPA SA, -FTI Consulting Belgium, -Grayling, -Kreab, -Weber Shandwick, -acumen public affairs, -Steptoe & Johnson LLP, -Dr. Knoell Consult

² 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.

³ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, OJ L 31, 1.2.2002, p. 1-24, as last amended.

We are pleased to provide you with the access to the correspondence, including e-mails, exchanged between EFSA and the following industry organisations you listed in your request, during the period January 2016 –January 2017:

- Bayer,
- Syngenta,
- ECPA, and
- Knoell Consult.

Please note that personal data (i.e. names of individuals and other personal data such as hand written signature) present in all the documents disclosed 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 45/2001⁴. In line with the settled case law of the Union Courts⁵, 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 correspondence 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 in this batch 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 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 Assurance Services Unit
Via Carlo Magno 1/A
e-mail: EFSA.public.access.to.documents@efsa.europa.eu

Yours sincerely,



Dirk Detken

Encl: 1

Cc: J. Tarazona (EFSA)

⁴ 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 L 8, 12.1.2001, p. 1–22.

⁵ See Judgment in Case C-28/08 P, European Commission v The Bavarian Lager Co. Ltd., EU:C:2010:378.