

HEAD OF THE LEGAL AND ASSURANCE SERVICES

Parma, 28 May 2018  
Ref. DD/LV/mm (2018) – out-19413599

Max Hudson

e-mail: [ask+request-5522-c9b9b845@asktheeu.org](mailto:ask+request-5522-c9b9b845@asktheeu.org)

**Re: Your request for public access to documents of 30 April 2018**

*Our ref.: PAD 2018/025*

Dear Mr Hudson,

I refer to your public access to documents request submitted from the website "AsktheEU.org" and registered by EFSA on 30 April 2018, by means of which you requested access to *"Any emails between EFSA members on the Food Contact Materials, Enzymes, Flavourings and Processing Aids expert panel (CEF) involved in any part of the review process on Bisphenol A (BpA) containing discussions on the 'International Life Sciences Institute' or 'ILSI' between 1 January 2017 and 30 April 2018"*. Your request has been processed in accordance with Regulation (EC) No 1049/2001 regarding public access to documents<sup>1</sup> with the following outcome:

Having duly considered your request for public access to documents and after internal verification on the existence of any document pertaining to the scope you specified, I should inform you that EFSA is not in the possession of any relevant document concerning your request. Please note that in application of the settled case law of the Court of Justice of the European Union, a presumption of legality is attached to any statement made by an institution concerning the non-existence of documents requested.<sup>2</sup> Should you be interested, you may submit a new public access to documents request at any time, which will be processed by EFSA in accordance with Regulation (EC) No 1049/2001.

To exercise your right to appeal 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 this re-examination of your request within fifteen working days of receipt. You will also be informed of any further appeal routes available.

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<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> See Case T-42/05, Williams v Commission, T-380/04, ECLI:EU:T:2008:325; Joined Cases T-110/03, Ioannis Terezakis v. Commission, ECLI:EU:T:2008:19; Case T-150/03, Sison v. Council [2005] ECLI:EU:T:2005:143.

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