

Parma, 08 June 2017
Ref. DD/CP/mm (2017) – out-17847013

Nina Holland
Agribusiness campaign
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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 AsktheEU 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."*

We have assessed your request in accordance with Regulation (EC) No 1049/2001 on public access to documents¹ (hereinafter the "PAD Regulation") with the following outcome:

1. Partial disclosure – 1st batch (point 3 of your request)

Under the third point of your request you asked for "*all access to documents requests sent to EFSA on glyphosate*" except for the ones submitted by CEO. We are pleased to give you access to a list of all requests for public access to documents submitted to EFSA in relation to glyphosate at large and not only concerning the EFSA peer review of

¹ 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.

glyphosate as an active substance under Regulation (EC) No 1107/2009² since the year 2012. The list is enclosed to the present letter.

Should you however wish to receive every single letter and e-mail requesting access to documents, please do not hesitate to contact us, so we can proceed liaising with the third parties authors of the requests, in accordance with the PAD Regulation Article 4(4).

Please note that personal data (i.e. names of individuals and other personal data) present in all the requests 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 45/2001. In line with the settled case law of the Union Courts³, 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 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.

In view of the large number of documents concerned by your request, in particular the remaining points 1 and 2, as well as the need for third-party consultations in accordance with Article 4(4) of the PAD Regulation, EFSA would like to propose you a fair solution in application of Article 6(3) of the PAD Regulation⁴. EFSA proposes to reply in batches along the process of finalisation of the consultations and following a case-by-case assessment of the set of documents falling into the scope of your request.

EFSA will provide you with a second batch of documents in complement to the present disclosure by **Thursday 29 June 2017** at the latest.

2. Confirmatory application

To exercise your right to appeal against this decision 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. Please note that you can also exercise your right to appeal against this decision after the final reply to all the points of your request will be sent to you (final batch).

Further correspondence must be sent to:

EFSA
Dirk Detken, Head of the Legal and Assurance Services
Via Carlo Magno 1/A
I-43126 Parma
e-mail: EFSA.public.access.to.documents@efsa.europa.eu

Yours sincerely,

[SIGNED]

Dirk Detken

Encl: 1

² 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, as last amended.

³ See Judgment in Case C-28/08 P, European Commission v The Bavarian Lager Co. Ltd., EU:C:2010:378.

⁴ "In the event of an application relating to a very long document or to a very large number of documents, the institution concerned may confer with the applicant informally, with a view of finding a fair solution".