

Nina Holland
Email : ask+request-4287-662ee0b3@asktheeu.org

Subject: Reply to your request - ATD/47/2017

Dear Ms Holland,

Thank you for your request of 12 May 2017, registered on 16 May 2017, seeking access to documents. Your request falls under Regulation (EC) No 1049/2001 (the "ATD Regulation") which governs the access to documents held by the European Chemicals Agency.

Your request for access to documents refers to:

1. Any documents since 01 March 2016, including briefings, reports, correspondence (email or other), where the active substance glyphosate is concerned or mentioned, between officials/representatives/experts of ECHA 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 or any other reports of such meetings, since 01 March 2016, where the active substance glyphosate is concerned or mentioned, between officials/representatives/experts of ECHA and officials/representatives of the entities mentioned in the list under 1.

You are not asking for the submissions to the CLH public consultation on glyphosate.

The following documents were identified as falling within the scope of your request:

1. Email of 25/11/2016

The relating presentation the email refers to was published on the ECHA website:
https://echa.europa.eu/documents/10162/22863068/glyphosate_gtf_en.pdf/94bd6bf8-b3cb-822e-cb40-d26160b6f541

2. Email of 04/11/2016

The relating presentation the email refers to was published on the ECHA website:
https://echa.europa.eu/documents/10162/22863068/glyphosate_gtf_en.pdf/94bd6bf8-b3cb-822e-cb40-d26160b6f541

3. Email of 27/05/2016

4. Email of 13/03/2017

5. Email of 31/01/2017

6. Attachment of the above email of 31/01/2017

7. Emails of 14/03/2017

8. Email of 10/05/2016

9. Attachment of the above email of 10/05/2017

10. Attachment of the above email of 10/05/2017

In document 10 there is reference to Annex 4. It refers to the draft version of the CLH report, for which the final version was published on the ECHA website:
<https://echa.europa.eu/harmonised-classification-and-labelling-previous-consultations/-/substance-rev/13838/term>

11. Email of 11/05/2017

12. Email of 13/03/2017

13. Email of 28/10/2016

14. Email of 07/10/2016

15. Email of 07/11/2016

Publicly available documentation

- The final agendas and the minutes of the RAC-40 meeting of 6-10 March and 14-15 March 2017 and RAC-39 meeting of 28 November - 2 December 2016 and 7 - 9 December 2016 and as well the presentations given in these meetings have been published on ECHA website at:

<https://echa.europa.eu/meetings-of-the-rac>

- You can find further information on glyphosate on ECHA's website (including the presentations given at RAC-39):

<https://echa.europa.eu/chemicals-in-our-life/hot-topics/glyphosate>

Decision

Based on Article 7(1) of the ATD Regulation

ECHA has decided to grant you partial access to documents 1-15 listed above.

Reasons

Following a concrete and individual assessment of the documents requested under the provisions of the ATD Regulation, ECHA has concluded that the disclosure is partly prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

The explanations set out below describe why specific redactions have been performed.

Personal data

All personal data (e.g. names, contact details, signatures, etc.) has been redacted from the requested documents as the exception provided by Article 4(1)(b) of the ATD Regulation on the protection of personal data was found to apply.

References to the studies

The names of authors of unpublished studies have been redacted as the exception provided by Article 4(1)(b) of the ATD Regulation on the protection of personal data or by Article 4(2) first indent of the ATD Regulation on the protection of commercial interests was found to apply.

Please note that for all the items listed above no overriding public interest in disclosure was found to exist since the remaining information enables you to have a detailed overview of the context of the opinion making process.

Further information and advice

The RAC Opinion, Response to Comments document, Background Document and Explanatory note on the Opinion are available on the ECHA website at the link below:
<https://echa.europa.eu/opinions-of-the-committee-for-risk-assessment-on-proposals-for-harmonised-classification-and-labelling>

You are reminded that following Article 16 of the ATD Regulation, the documents attached are subject to copyright protection.

Procedural history

By letter of 9 June 2017 we informed you that the deadline for reply had to be extended with further 15 working days in accordance with Article 7(3) of the ATD Regulation.

Appeal/legal redress

You are entitled to make a confirmatory application requesting ECHA to review this position by writing to the Executive Director of ECHA (P.O Box 400, 00121 Helsinki, Finland or executive-director@echa.europa.eu). This needs to be done within 15 working days of receiving this letter.

The Executive Director will inform you of the result of the review within 15 working days from the registration of your subsequent request.

Yours sincerely,

p.o. 

Jukka Malm

Deputy Executive Director

Encl: Non-confidential versions of the following documents as numbered above:
 Documents 1-15