

Parma, 20 September 2017
Ref. DD/CP/mm (2017) - out-18390858

Benedek Jávör

Member of the European Parliament
Greens/EFA

Michèle Rivasi

Member of the European Parliament
Greens/EFA

Bart Staes

Member of the European Parliament
Greens/EFA

European Parliament
Rue Wiertz, 60
BE-1047 Brussels
Belgium

e-mail: ask+request-4410-4246f87b@asktheeu.org

Re: Your request for public access to documents submitted on 22 June 2017
Our ref.: PAD 2017/046

Dear Honourable Members of the European Parliament, Ms Rivasi, Mr Jávör, Mr Staes,

I refer to your e-mail of 21 June 2017, by means of which you requested access to documents *"which contain the following information"*:

1. *Correspondence, including emails, sent or received by officials working on the assessment of glyphosate which mention Monsanto or the Glyphosate Task Force during the year 2015. This includes inter-institutional correspondence, correspondence with Member States' authorities and their Permanent Representations as well as correspondence with third parties.*
2. *Agendas or minutes of meetings which mention Monsanto, the Glyphosate Task Force, the USA Environmental Protection Agency (EPA) or the International Agency for Research on Cancer (IARC).*
3. *Correspondence, including emails, between officials working on the assessment of glyphosate and Monsanto or the Glyphosate Task Force during the year 2015.*

We have processed your request in accordance with the provisions of Regulation (EC) No 1049/2001 on public access to documents¹ (hereinafter *"the PAD Regulation"*) and would like to provide you a reply as follows.

Please note that we interpreted your request as referring to EFSA's work on the peer review risk assessment of the active substance glyphosate under Regulation (EC) 1107/2009² (hereinafter *"the PPP Regulation"*).

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.

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.

1. Partial release

We are pleased to provide you with the below identified documents in the scope of your request, following the order of the points of your request as follows.

I. Correspondence mentioning Monsanto or the Glyphosate Task Force (GTF) during the year 2015

Please note that we have considered only the correspondence mentioning the GTF or Monsanto as requested, i.e. letters or e-mails whereby the words "GTF" or "Monsanto" appear in the text or as sender or recipient of the said correspondence. For your convenience, the relevant documents are grouped by organisation in the following way:

i. EU Institutions

Please note that EFSA did not identify inter-institutional correspondence falling in the scope of your request. Please be aware that the correspondence with the European Commission DG Health and Food Safety (DG SANTE), relating to the mandate of EFSA to undertake the peer review³ and to consider the findings by the International Agency for Research on Cancer (IARC)⁴ are both published in EFSA's Register of Questions, these are the mandates and the acceptance of the mandates letters.

ii. Member States authorities and their Permanent Representations

We would like to inform you that in accordance with Article 38(1)(c) of EFSA's Founding Regulation⁵, all background information relating to EFSA's peer review of glyphosate are proactively published on EFSA's website. This includes the peer review report in which the minutes of meetings as well as the comments from Member States received during the peer review are published.

Additionally, we have identified correspondence with Germany: we are pleased to provide you with correspondence exchanged with the rapporteur Member State Germany, as follows:

- Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL),
- Bundesinstitut für Risikobewertung (BfR).

iii. Third Parties

Please note that for this part of your request, we considered third parties as being entities which were actively involved in the renewal assessment of glyphosate, i.e. the applicants (i.e. companies which are part of the GTF or associations of food business operators) and bodies from third countries and international organisations. Please be informed that no correspondence with the industry or with third countries or international bodies was identified as in the scope of your request.

II. Agendas and minutes of meetings which mention the GTF, the US EPA or IARC

Regarding the second bullet point of your request concerning agendas and minutes of meetings, we understand the scope of this part of your request as referring to the year 2015, as for the other sections of your request.

Please be informed that agendas and minutes of meetings relating to the peer review were already published in the Peer Review Report published as background document to the EFSA's Conclusion⁶.

³ Mandate M-2014-0226, EFSA-Q-2014-00546, available in the Register of Questions at: <http://registerofquestions.efsa.europa.eu/roqFrontend/login?0>.

⁴ Mandate M-2014-0226, EFSA-Q-2015-00279, also available in EFSA's Register of Questions.

⁵ An overview of all background documents regarding the EFSA's Conclusion is available on EFSA's website: <https://www.efsa.europa.eu/en/efsajournal/pub/4302>.

⁶ Peer review report available at:

Please note that no agendas or minutes of meetings which mention Monsanto or the GTF exist for the referenced period. We are pleased to give you access to the following documents:

i. US EPA

Please be informed that a teleconference between EFSA and US EPA took place on 15 December 2015. We are pleased to provide you with the agenda of this teleconference. Please be informed that no minutes of this teleconference were produced.

ii. IARC

As regards meetings mentioning IARC, we are pleased to provide you with documents concerning meetings of an internal steering committee at EFSA on glyphosate. We would like to specify the following concerning the documents partially disclosed to you as herewith attached:

- The text related to several points in the agendas and meeting minutes has been masked as these parts fall outside the scope of your public access request as cited above;
- As you may note, a recurrent discussion point during these meetings relates to the preparation of a trilateral meeting, later onwards reduced to a bilateral meeting between EFSA and IARC, to happen during February 2016. It should be highlighted that despite these discussion and detailed preparations, eventually the bilateral meeting between EFSA and IARC did not take place.

III. Correspondence with Monsanto or the GTF:

- i. Monsanto:** Please note that there were no direct exchanges relating to the peer review on glyphosate between officials at EFSA and the company Monsanto in 2015.
- ii. GTF:** As regards the GTF, please be informed that the GTF appointed the consultancy firm Knoell Consult GmbH as interface with EFSA for the whole peer review process. Therefore, all communications with and from the GTF were channelled through the consultancy Knoell. Hence, we are pleased to provide you with the correspondence between EFSA and Knoell Consult in 2015.

Please note that only few elements of this correspondence disclosed to you have been removed as they are considered to fall under the exception of Article 4(2) PAD Regulation, first indent, protecting "commercial interests of natural or legal person including intellectual property rights" since their full protection is the direct consequence of these elements being qualified as confidential in Article 63(2) of the PPP Regulation. Indeed, the information masked in the e-mails disclosed to you relates to "the method of manufacture" and "links between a producer or importer and the applicant or the authorisation holder", disclosure of which can affect the commercial interests of the applicant.

All personal data (i.e. names of individuals as well as hand-written signatures or comments of personal nature) present in **all the documents disclosed to you** have been removed in accordance with Article 4(1)(b) of the PAD Regulation and Article 8(b) of the Data Protection Regulation (EC) No 45/2001⁷. In line with the settled case law of the European Union Courts⁸, EFSA will only be able to balance the interests at stake and to consider the disclosure of personal data after you have provided an

<http://registerofquestions.efsa.europa.eu/roqFrontend/outputLoader?output=ON-4302>.

⁷ 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 L8, 12.1.2001, p. 1-22.

⁸ See Judgment in *European Commission v The Bavarian Lager Co. Ltd.*, C-28/08 P, EU:C:2010:378.

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 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.

2. Confirmatory application

To exercise your right to appeal against this decision of partial disclosure 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, 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
Via Carlo Magno 1/A
IT-43126 Parma
Italy

e-mail: EFSA.public.access.to.documents@efsa.europa.eu

Yours sincerely,

[SIGNED]

Dirk Detken

Encl.: 1 CD-ROM

Cc: J. Tarazona (EFSA)