

Parma, 29 November 2017
Ref. DD/CP/mm (2017) - out-18763715

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Re: Your request for public access to documents of 8 November 2017

Our ref.: PAD 2017/099

Dear Mr Jensen,

I refer to your request of 8 November 2017, submitted from the website "Ask the EU", by means of which you requested access to certain data, pertaining to the EFSA Scientific report on the avian influenza overview October 2016–August 2017¹ (hereinafter "*the Scientific Report*"), in accordance with Regulation (EC) No 1049/2001 regarding public access to documents² (hereinafter "*the PAD Regulation*").

You detail that you "*are requesting the documents (excel file with 'EFSA data collection')*". In particular, you quote a paragraph of the EFSA Scientific Report published on 16 October 2017 from page 24 which reads as follows: "*The additional data (in the following referred to as 'EFSA data collection') were obtained by means of a designed data model built on the experience of the HPAI A(H5N8) outbreaks in 2014 (EFSA, 2014). A compromise between rapid action and solidity of the data collection methodology had to be found. Considering the circumstances, it was decided to circulate to each MS an Excel file, prefilled with ADNS information, with the aim of collecting potentially useful epidemiological information*".

Following internal verifications, we are contacting you in order to clarify the scope of your request for access to documents in accordance with Article 6(2) of the PAD Regulation.

¹ European Food Safety Authority, European Centre for Disease Prevention and Control, European Union Reference Laboratory for Avian influenza, Brown I, Mulatti P, Smietanka K, Staubach C, Willeberg P, Adlhoch C, Candiani D, Fabris C, Zancanaro G, Morgado J and Verdonck F, 2017. Scientific report on the avian influenza overview October 2016–August 2017. EFSA Journal 2017;15(10):5018, 101 pp. <https://doi.org/10.2903/j.efsa.2017.5018>.

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.

As you may be aware, the European Commission (EC) mandated EFSA in accordance with Article 31 of EFSA's Founding Regulation (EC) No 178/2002³ to provide technical and scientific assistance to the EC on avian influenza (AI)⁴.

The Scientific Report thereby includes an overview of the highly pathogenic avian influenza (HPAI) and low pathogenic avian influenza (LPAI) outbreaks in poultry and captive birds as well as HPAI events in wild birds detected in Europe between 15 October 2016 and 31 August 2017, a description of the applied prevention and control measures as well as a monitoring of the avian influenza in other continents.

The data taken into account for the Scientific Report includes data on AI outbreaks submitted by Member States (MS) between 1 October 2016 and 31 August 2017 to the European Animal Disease Notification System (ADNS) and more detailed epidemiological data on the AI outbreaks in poultry and captive birds that occurred from October 2016 to 30 April 2017 submitted by 19 MS directly to EFSA. The additional data received from the MS was collected by means of an Excel file which was circulated to each of the MS.

In this context, we would like to understand whether you are interested in receiving:

1. the Excel file which was initially circulated to the 19 MS⁵, prefilled with ADNS information on the AI outbreaks between 1 October 2016 and 30 April 2017; or
2. the Excel file which was received from the 19 MS with the additional data collected, containing epidemiological data on the AI outbreaks that occurred from October 2016 to 30 April 2017.

In case you would be interested in receiving the Excel file with the data as collected from the 19 MS (2), we kindly ask for the following clarification:

- whether your request concerns the relevant data as received, or the data underlying the Scientific report, i.e. the data enriched for use in the Scientific Report or all additional data received from the MS; and
- whether your interest is focused on the data submitted by a specific MS, for example Denmark, or a specific group of MS, for example the Scandinavian countries.

We would like to inform you that EFSA is not the owner of the data collected for the Scientific Report. In this context, in order to process your request, EFSA shall liaise with the Member States data providers on the release of their data, in accordance with Article 4(5) of the PAD Regulation, which is a time-consuming process. Depending on your clarifications and on the amount of data you request, we will be able to provide you with a comprehensive reply on the accessibility of the data in a timeframe which is proportionate to the workload that your request entails, in particular considering the volume and nature of the requested data originating from Member States.

We would be grateful if you could clarify the scope of your request at your earliest convenience, so we can continue processing your request. As soon as we will receive your reply, we will inform you of the deadline to process it.

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.

⁴ You can find details on the terms of reference of the European Commissions in EFSA'S Register of Questions, using the question number EFSA-Q-2017-00229 in the respective search field at the following link: <http://registerofquestions.efsa.europa.eu/roqFrontend/ListOfQuestionsNoLogin>.

⁵ Additional data was received from Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Romania, Slovakia, Spain, Sweden and the United Kingdom.

You can reply by writing to:

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Yours sincerely,

[Signed]

Dirk Detken

Cc: N. Kriz (EFSA)