

Parma, 21 June 2019
Ref. DD/CP/mm (2019) - out-21604724

E-mail: [REDACTED]@fragdenstaat.de

Re: Your request for public access to documents of 26 April 2019

Our ref.: PAD 2019/035

Dear [REDACTED]

I refer to your request for public access to documents with EFSA's reference PAD 2019/035, by means of which you requested access to "the expected or past impact of the "Brexit" on your remit and on any cooperation with the United Kingdom after the "Brexit"".

Firstly, thank you for having agreed in the context of separate case handling that EFSA may communicate with you in English, although your access request originally was submitted in German. Should you wish to receive a translation in German of any correspondence of EFSA with you, please do not hesitate to let us know so as to allow for the necessary arrangements.

Your request has been processed in accordance with Regulation (EC) No 1049/2001 on public access to documents¹ (hereinafter "*the PAD Regulation*") and we would like to provide you with a reply as follows:

I am pleased to inform you that the current effects and potential further consequences of the withdrawal of the United Kingdom from the European Union with regard to EFSA were recently discussed at the public session of the 80th Management Board Meeting. Documents relevant to this meeting are available on EFSA's website at the following link:

<http://www.efsa.europa.eu/en/events/event/mb190320>.

In particular, the PowerPoint Presentation and the corresponding Note to the Management Board under item 7 of the agenda, entitled "BREXIT impact on EFSA" may be of interest to you.

In addition, another PowerPoint presentation providing an update on Brexit related activities at EFSA was presented at the 66th Advisory Forum meeting, which took place from 5-6 December 2017. That presentation can be accessed via the following link:

https://www.efsa.europa.eu/sites/default/files/event/AF171205-p6_EFSA_PPT%20BREXIT.PDF

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.

Please also be informed that EFSA created a dedicated page on its website in order to maintain citizens and stakeholders informed regarding the Brexit process. This webpage is available at the following link: <https://www.efsa.europa.eu/en/about/ukwithdrawalfromtheeu>.

In addition to the information available on EFSA's website, I would also like to draw your attention to the information published by the European Commission (EC) on its website, particularly concerning the current and future relationship between the United Kingdom and the European Union. The relevant section of the EC website can be accessed via the following link: https://ec.europa.eu/info/brexit_en.

Moreover, the EU decentralised Agencies' 2017 budgetary discharge report also contains certain information which you may find useful for your purposes. This document is publicly available at the following location: http://www.europarl.europa.eu/cmsdata/156541/Discharge%202017%20EUAN%20replies_updated%20version.pdf.

As concerns additional documents identified as falling within the scope of your access request, I regret to inform you that these cannot be disclosed as they are considered to fall within the exception to disclosure in Article 4(3), first paragraph, of the PAD Regulation², protecting the ongoing decision-making process of EU institutions. Please note that the EC is in charge of the negotiations with the United Kingdom on behalf of the European Union and of the preparation of the practical measures to allow EFSA to continue its operations in accordance with the relevant rules and regulations. As such, EFSA's internal documents on this matter are subject to regular updating in the light of instructions received from the EC to reflect new developments arising from the ongoing negotiations and to incorporate modifications to provisional arrangements for the preparedness to confront different possible scenarios concerning the circumstances and conditions surrounding the departure of the United Kingdom from the European Union. Consequently, within the meaning of Article 4(3), first paragraph of the PAD Regulation, the release of such documents still subject to further review and updating, would seriously undermine the ongoing preparatory work of EFSA in close cooperation with the EC. In this regard, rendering public inaccurate or quickly outdated information would inevitably give rise to considerable confusion surrounding the future activities of EFSA regarding the United Kingdom. Furthermore, a concrete danger exists of jeopardising the ongoing negotiations between the European Union and the United Kingdom by exposing certain elements of the negotiating position of the EC or the United Kingdom.

EFSA also ascertained whether any overriding public interest in disclosure exists in the sense of Article 4(3), first paragraph, of the PAD Regulation. Balancing specifically and actually any public interest in disclosure with the legitimate interests of ensuring that information released by EFSA concerning the effects of Brexit is accurate and up-to-date and safeguarding the ongoing negotiations between the European Union and the United Kingdom, we conclude that at this stage no such overriding public interest in disclosing the documents exists.

I'd also like to take the opportunity to highlight that the FragdenStaat.de website you have used for submitting your request is a third-party platform, outside the remit of the institutions and agencies of the EU, including EFSA. Consequently, EFSA cannot be held liable for any errors of any kind occurring as a result of the use of this platform. In case this would raise particular concern with you, please provide us with alternative contact details, including your postal address, to be used by EFSA for further processing your access request.

² "Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure".

Furthermore, please note that the third party running the FragdenStaat.de website is responsible for the processing of your personal data through this platform. For further information, including on the way the third party addresses your rights pursuant to applicable data protection legislation, please refer to the third party's privacy policy. From our experience with the way the platform operates, we understand that the content of public access requesters' correspondence with EFSA or other EU institutions is usually published on the platform, including any personal data that may be detailed therein (e.g. private postal addresses). Please contact us directly should you not wish your correspondence with EFSA to be published on the FragdenStaat.de platform. Following any your relevant communication, EFSA will redirect all future electronic correspondence using your alternative contact details.

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 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
Bernhard Url,
Executive Director
Via Carlo Magno 1/A
IT – 43126 Parma

E-mail: bernhard.url@efsa.europa.eu

Yours sincerely,

▪ *[Signed]*

Dirk Detken

Cc: James Ramsay, Victoria Villamar (EFSA)