



HEAD OF THE LEGAL AND ASSURANCE SERVICES

Parma, 21 May 2019
Ref. DD/CR/mm (2019) - out-21482023



E-mail: [redacted]@aat.de

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

Our ref.: PAD 2019/036

Dear [redacted]

I refer to the request for public access to documents in accordance with Regulation (EC) No 1049/2001¹ (hereafter referred to as '*the PAD Regulation*') and in accordance with Regulation (EC) No 1367/2006², which you submitted on 26 April 2019 and which was acknowledged by EFSA on 30 April 2019, concerning:

"The CO2 balances (carbon footprint) of your authority in the last ten calendar years as well as the underlying calculation methods, if possible, in a machine-readable format."

Please allow us using English language in this reply to your request for public access which was made in German language. Having processed your request in accordance with the PAD Regulation, we have checked internally at EFSA on the existence of any document on the subject matter specified therein. As a result, we regret to inform you that EFSA does not possess any document which corresponds to your request for access. Please note that in application of the case law of the European Union Courts, a presumption of legality is attached to any statement made by an Institution concerning the non-existence of documents requested³.

We would like to add that EFSA currently is in contact with the competent service at the European Commission to find out how the annual carbon footprint data can be collected and processed in a reliable and coherent manner allowing for a comparison between EU Institutions, Agencies and Bodies.

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 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies

³ See Case T-42/05, Williams v Commission, T-380/04, ECLI:EU:T:2008:325; Joined Cases T-110/03, Ioannis Terezakis v. Commission, ECLI:EU:T:2008:19; Case T-150/03, Sison v. Council [2005] CLI:EU:T:2005:143.



To exercise your right to appeal by means of 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 the re-examination of your request within fifteen working days of receipt.

Further correspondence must be sent to:
EFSA
Bernhard Url, Executive Director
Via Carlo Magno 1/A
II – 43126 Parma

E-mail: Bernhard.URL@efsa.europa.eu

Yours sincerely,

SIGNED



Cc.: G. Fuga (EFSA)