

9 March 2023

# WEBINAR ON PUBLIC ACCESS TO DOCUMENTS @ EFSA

Legal Affairs Services

# WEBINAR OUTLINE



## Who we are

### Presenters of this webinar

- Dirk Detken
- Luisa Venier
- Citlali Pintado
- Philip Unsworth

### Q&A contributors:

- Benedetta Lavitola
- Arnaud Jaume

### Moderator:

- Luisa Venier

### Slide master:

- Marie Laffineur-Pauchet



## Goals

- **What is the goal of this webinar?** The aim is to explain the enhancements in place for the processing of access to documents at EFSA and the launching of the Guidance for PAD applicants as 'toolkit' to support the public to submit access to documents requests.
- **Out of scope:** Clarifications on the implementation of the access to documents legal framework to specific cases

# WEBINAR GUIDE FOR ATTENDEES



## Practicalities

- You are automatically connected to the audio broadcast. One-way audio (listen only mode)
- You can submit questions at any time during the webinar via the **dedicated Q&A box** on the top right navigation bar.
- The webinar is in English and your questions should also be submitted in English.
- Some of your questions will be answered orally at the end of the presentation.
- The webinar is being recorded.



# AGENDA



**Time**



**Topic**



**Speaker**

| <b>Time</b> | <b>Topic</b>  | <b>Speaker</b>                                 |
|-------------|---|--|
| 10.05-10.10 | Welcome   | Luisa Venier                                   |
| 10.10-10.25 | Introduction of the PAD process & tools available to the public                             | Dirk Detken and Luisa Venier                   |
| 10.25-10.35 | How to use Connect.EFSA for submitting PAD applications                                     | Citlali Pintado                                |
| 10.35-10.55 | Processing step by step – life cycle of a PAD application – The PAD Guidance for applicants | Luisa Venier                                   |
| 10.55-11.20 | Regular issues encountered in the processing of PAD applications                            | Philip Unsworth                                |
| 11.20-11.30 | Q&A session and conclusions   | Luisa Venier, Citlali Pintado, Philip Unsworth |



---

# THE GAME CHANGER

Proactive

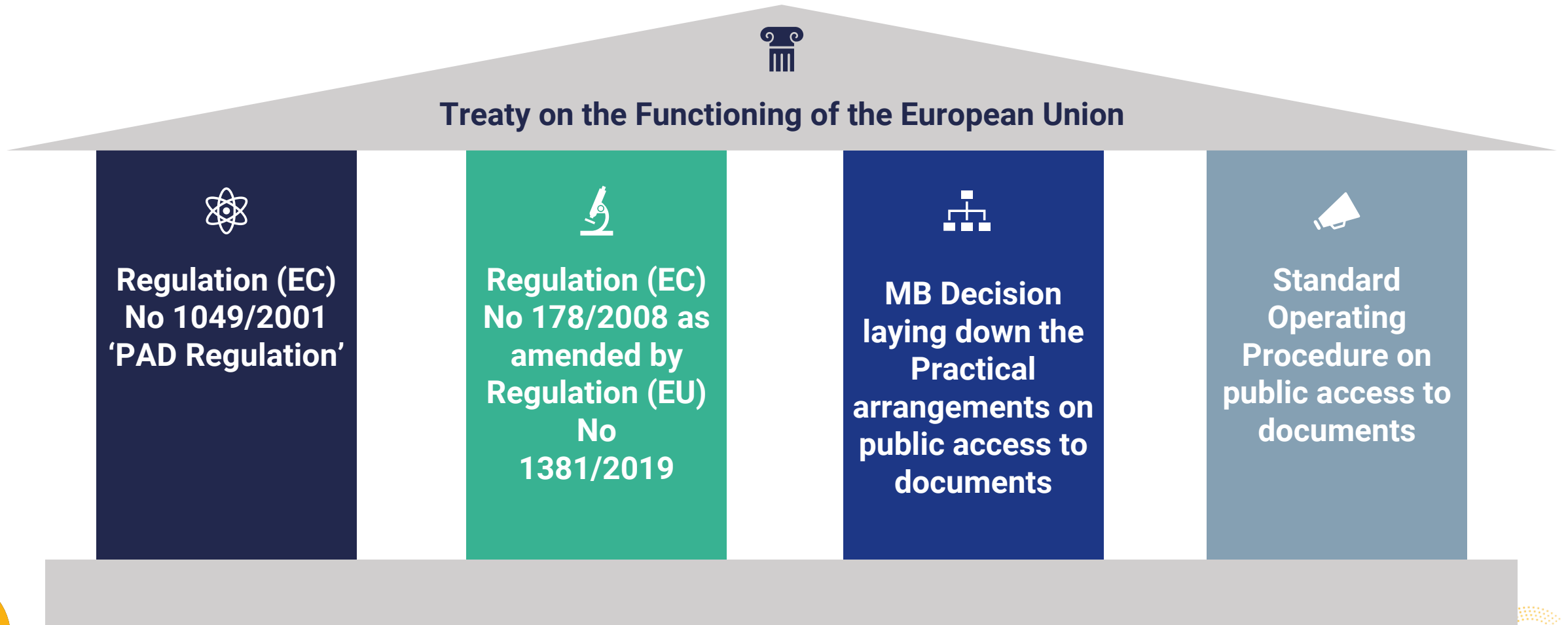
Reactive



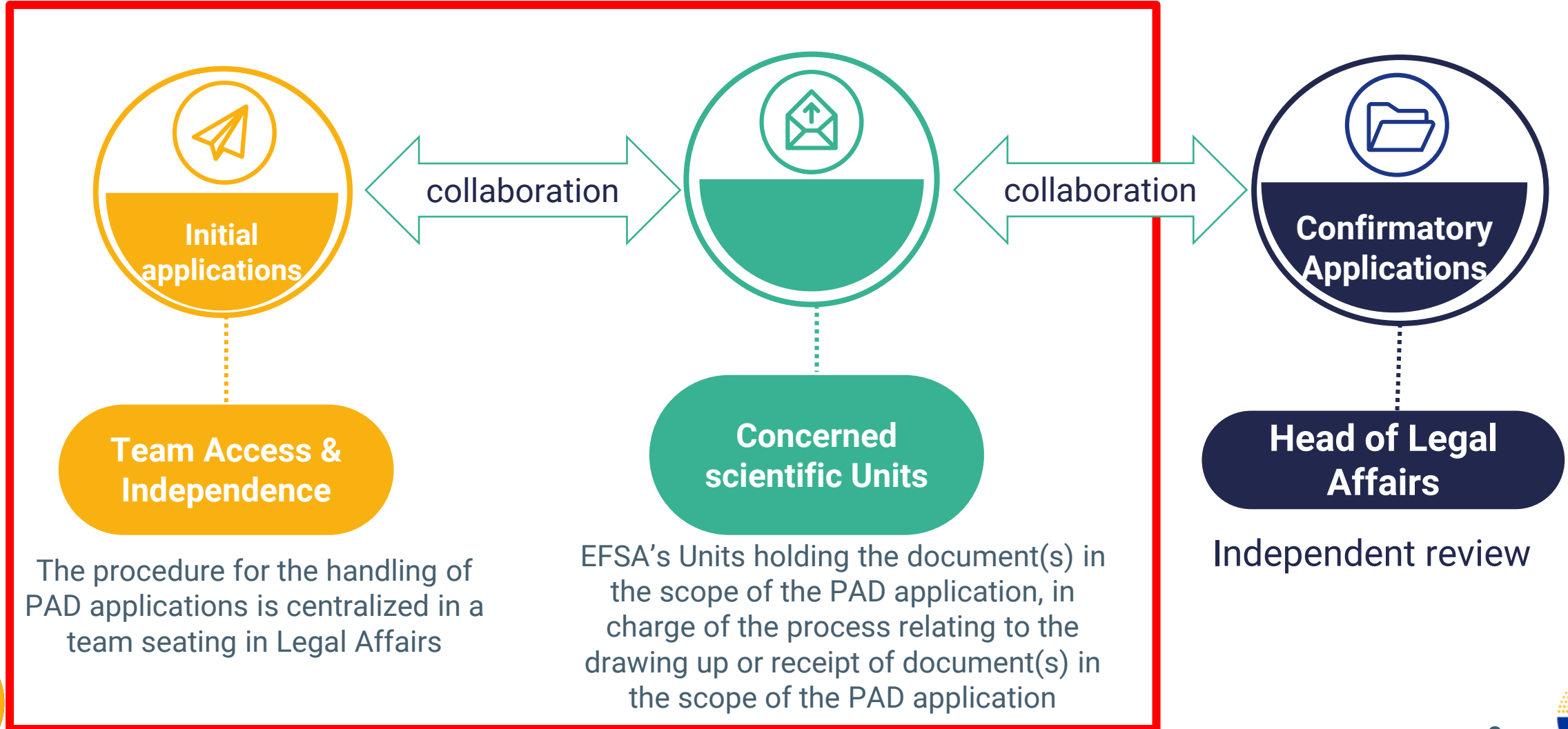
# INTRODUCTION OF THE PAD PROCESS & TOOLS AVAILABLE TO THE PUBLIC



# PAD PROCESS: THE LEGAL AND REGULATORY FRAMEWORK

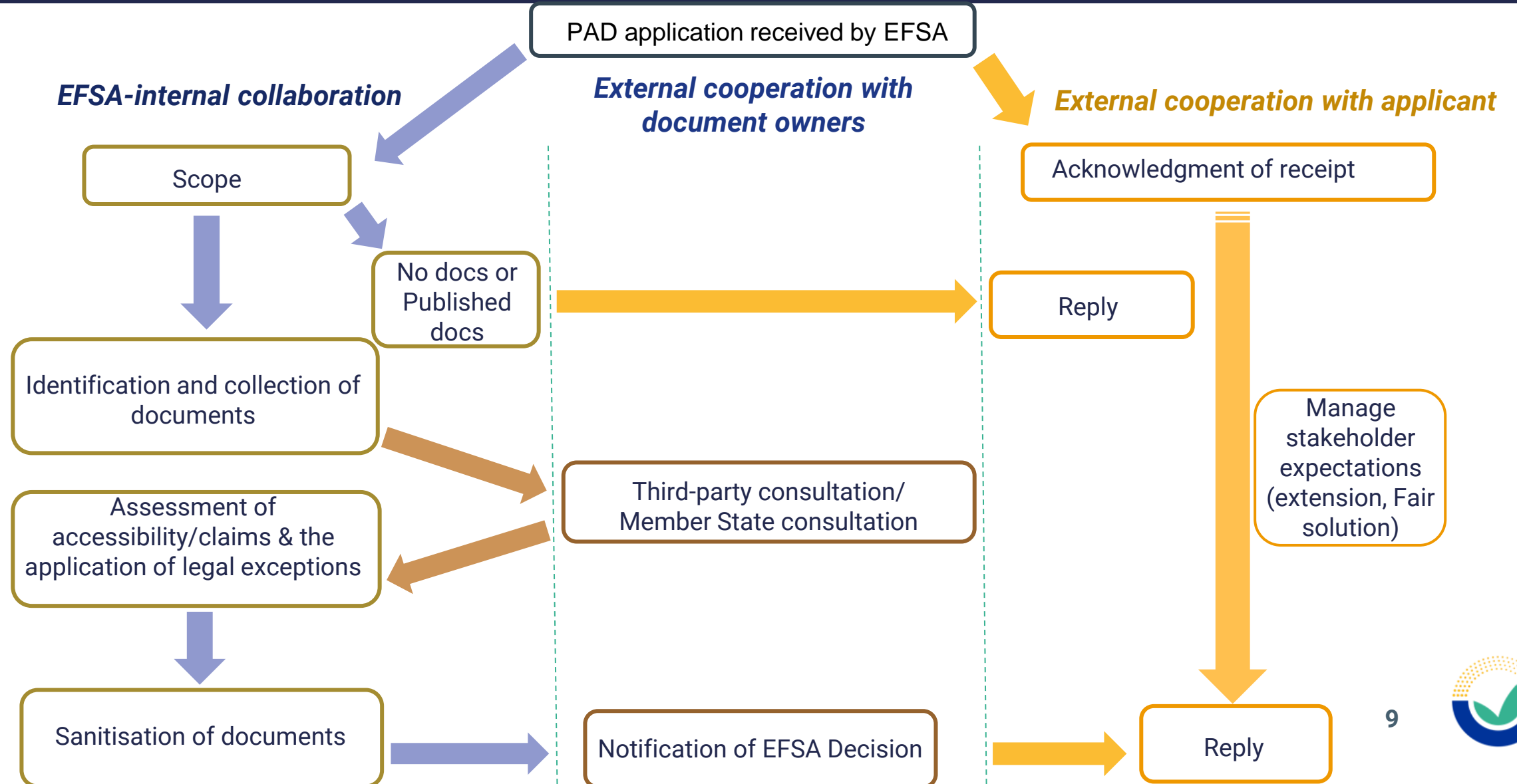


# CENTRALISED PROCESS

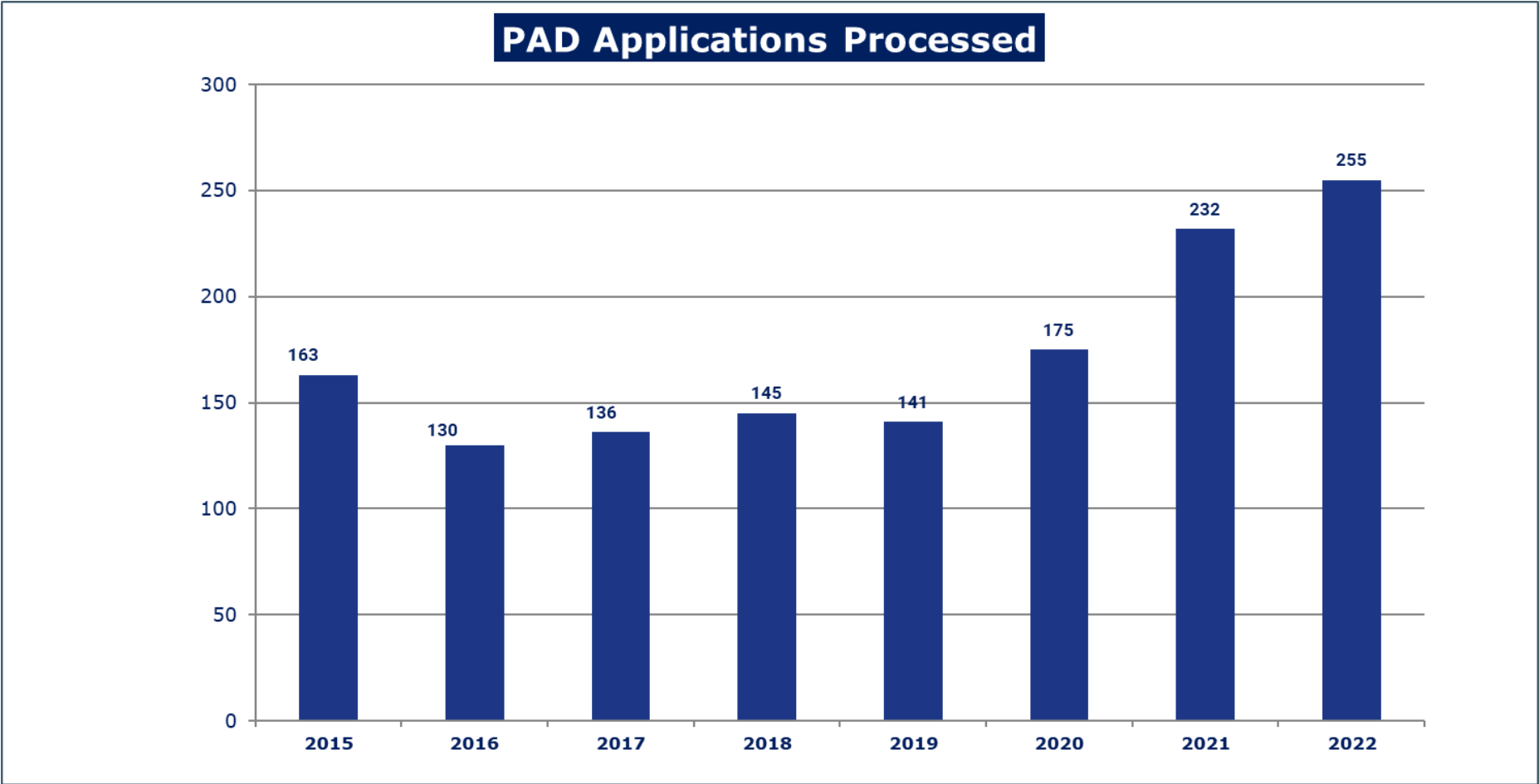




# REACTIVE TRANSPARENCY



# STATISTICS AT GLANCE



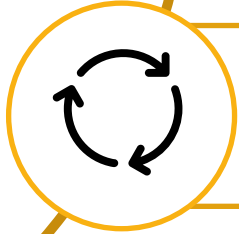
# TOOLS SUPPORTING THE PROCESS



**Connect.EFSA**: closer interaction with the PAD applicants



**Data analysis for the calculation of deadlines** : leveraging on the data collected over the years provides the 'estimate of the time needed for the processing'



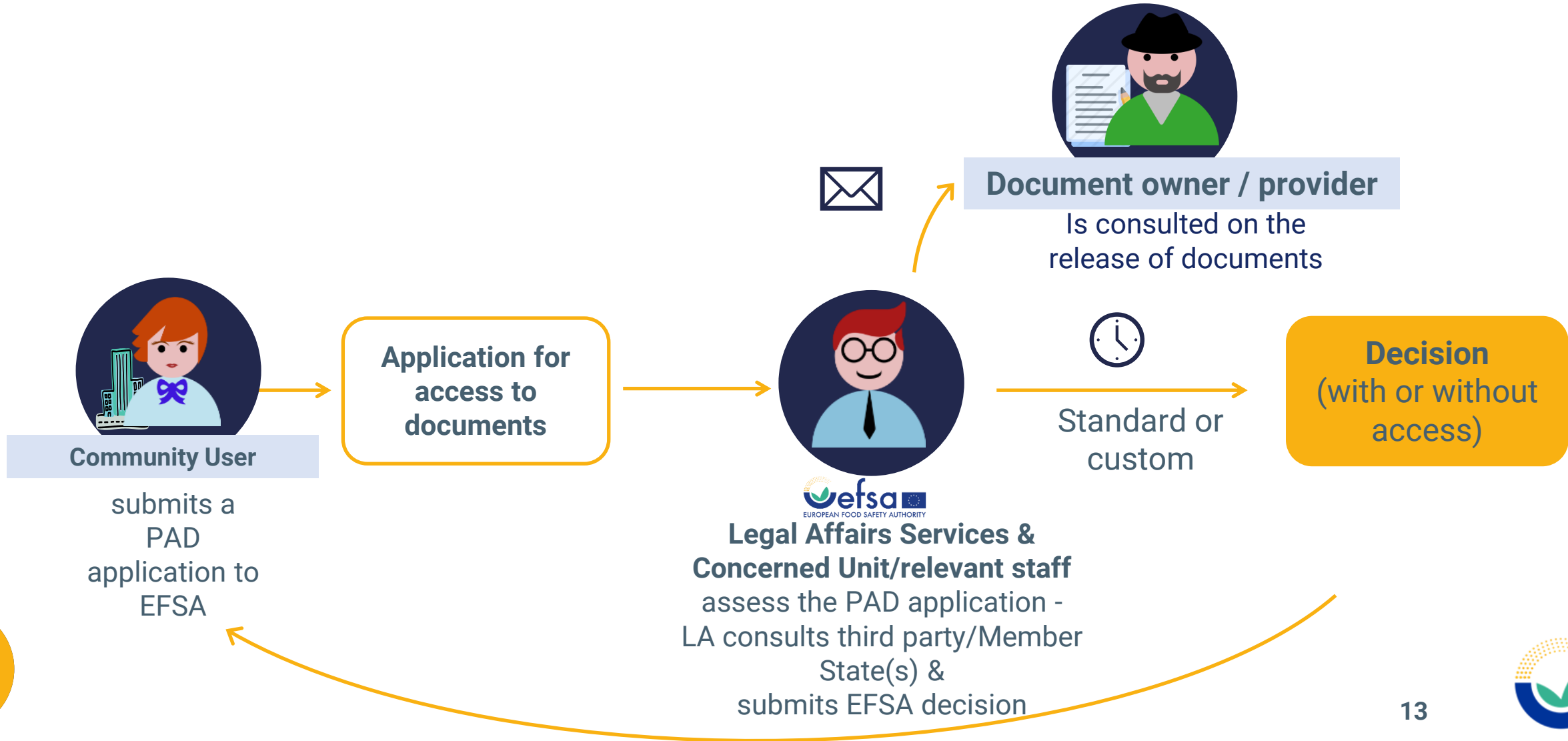
**List of documents (to be)**: automatic creation from EFSA's documents' management system



# HOW TO USE CONNECT.EFSA FOR SUBMITTING PAD APPLICATIONS



# PROCESS OVERVIEW



# ACTORS OF THE PROCESS



## Community users (authenticated):

These users are registered in the community. All of them can see the section dedicated to Public Access to Document process. As the authenticated user, they can access the section dedicated to Public Access to Document process in order to contact EFSA



## Community users (unauthenticated):

These users are not registered in the community, as a result they do not have a username and password. Unauthenticated users cannot keep track of their personal details and previous contact/requests they have submitted to EFSA



## EFSA Internal Users (Legal Department):

These users manage the requests submitted by external users, by assessing them and supplying a reply within the established deadlines



# HOW TO ACCESS CONNECT.EFSA?

Access Connect.EFSA via the EFSA's website:  
<https://www.efsa.europa.eu/en>

Other sites EFSA Open EFSA EFSA Journal **Connect**

English EN Search

ABOUT ▾ NEWSROOM ▾ TOPICS ▾ RESOURCES ▾ PUBLICATIONS APPLICATIONS ▾ ENGAGE ▾ CALENDAR

## European Food Safety Authority

**EFSA greets the new year with a new logo!**

EFSA welcomes in the new year with a brand new visual identity, reflecting where we stand after 20 years of protecting EU citizens from food risks and how we are positioned to face the many challenges in the years ahead.

**efsa** EUROPEAN FOOD SAFETY AUTHORITY

### Be an EFSA expert!

We are looking for scientific experts in various fields to...

### Aged meat not riskier than fresh meat

Meat ageing is a process during which microbes and enzymes...

### EFSA greets the new year with a new logo!

EFSA welcomes in the new year with a brand new...

### Total copper intakes below new safe level

Combined exposure to copper from all sources does not pose...



# HOW TO SUBMIT A PAD APPLICATION?

The screenshot shows the EFSA Portal homepage. The navigation menu includes 'Home', 'Public Consultation', 'Ask a Question', 'Contact Us', 'FAQ', and 'Term of Use'. The 'Ask a Question' link is highlighted with a red box. A search bar is located in the top right corner, with a 'Log in/Register' button next to it, also highlighted with a red box. A large banner reads 'Welcome to our Portal' with a search input field below it. Below the banner, a paragraph explains the portal's purpose: 'This portal gives you the possibility to engage with EFSA on a variety of topics. You will be able to check the Frequently Asked Questions, consult and submit comments to EFSA's public consultations, and send requests for access to documents. You can also register for the Portal. Before sending EFSA a question, please read the Frequently Asked Questions.' At the bottom, there are two green buttons: 'Public Consultations' and 'Ask a Question'. To the right, there is an 'FAQ' section with a question: 'Regulated Products: When i receive an answer?' and a search bar containing 'test FAQ 2/12'.

Access Ask EFSA section to send a PAD request to EFSA

1. Search bar
2. Login/registration button





# ONLINE FORM

efsa | connect Home Public Consultation **Ask a Question** Contact Us FAQ Terms of Use Log in/Register

## Welcome

Search...

This portal gives you the possibility to engage with EFSA on a virtual public consultation and submit comments to EFSA's public consultations, via the EFSA Public Consultation Portal. Before sending EFSA a question, please read the EFSA Public Consultation Portal Terms of Use.

Public Consultations Ask a Question Register for Portal

### New Request

**Contact Information**

\* Full Name (max. 80 characters) Company Name (max. 80 characters)

\* Email \* Country  
Afghanistan

**Request Information**

\* Subject (max. 255 characters) \* Topic  
Animal Health and Welfare

\* Affiliation \* Type of Question  
Academia/Research Institute Contact and Visits

\* Body (max. 131.072 characters) Regulated product application/Output ref *i*

EU Citizen or Resident

\* Area

- General Question about EFSA
- General Question about EFSA
- Question about Scientific Application Process
- Public Access to Documents**
- Human Resources

Upload Files Or drop files

Next



# WHY TO REGISTER?

The screenshot shows the EFSA 'Ask a Question' portal. At the top, there is a navigation bar with the EFSA logo and links for Home, Public Consultations, Ask a Question, My Details, FAQ, and Contact Us. The main heading is 'Ask EFSA a Question'. Below this, there is a welcome message and a 'New Request' button highlighted with a red box. A callout box points to this button with the text 'Create new request'. Below the welcome message, there are two tabs: 'My Open Requests' and 'My Closed Requests', with the first tab highlighted by a red box. A callout box points to these tabs with the text '1. User's open requests' and '2. User's closed requests'. Below the tabs, there is a search bar highlighted with a red box, with a callout box pointing to it that says 'Search a request in this list'. Below the search bar is a table of requests with columns for Request Number, Subject, Status, and Created Date. The table contains three rows of data. To the right of the table, there is a 'FAQ' section with several questions and answers.

EFSA welcomes feedback and we answer questions from any party interested in our work. All questions receive an individual response.

EFSA will be at your disposal to answer general questions about applications, public access to documents, jobs, publications, website and much more.

On this portal, you will also be able to consult your ongoing requests by clicking on 'My Open Requests' tab, and see your closed queries by clicking on 'My Closed Requests' tab.

**New Request**

**My Open Requests** My Closed Requests

External Requests  
My Open Requests

3 items • Sorted by Request Number • Filtered by All external requests - Status, UserContactID • Updated a minute ago

|   | Request Number ↑ | Subject                            | Status    | Created Date     |  |
|---|------------------|------------------------------------|-----------|------------------|--|
| 1 | 00000141         | xxx                                | Submitted | 01/12/2020 15.11 |  |
| 2 | 00000163         | 00000161- Confirmatory Application | Submitted | 09/12/2020 11.23 |  |
| 3 | 00000164         | dasd                               | Submitted | 09/12/2020 11.24 |  |

**FAQ**

**About EFSA**

What are the employment opportunities at EFSA?

What is Ask EFSA SERVICE?

How can I know how much time I have to answer EFSA questions?

**Regulated Products**

What is a Pre-Application ID?

Are the requirements the same for all applications?

applicant. How do I prepare an application?

Create new request

1. User's open requests  
2. User's closed requests

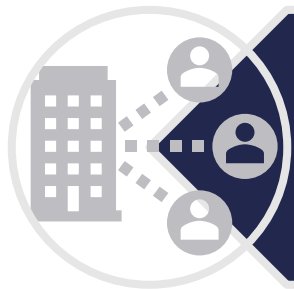
Search a request in this list



# VIDEO ON CONNECT.EFSA FOR PAD APPLICATIONS



**How to access Connect.EFSA &  
use the tool**



**Video accessible from  
EFSA's website:**

<https://www.efsa.europa.eu/en/applications/about/services>



[HTTPS://WWW.YOUTUBE.COM/WATCH?APP=DESKTOP&V=K\\_L2D81CEFO](https://www.youtube.com/watch?app=desktop&v=K_L2D81CEFO)



# ADVANTAGES OF THE USE OF CONNECT.EFSA



**Stay connected:** the tool allows to always follow the status of the processing of your PAD applications contact EFSA at any time on the progress of your PAD applications



**Holistic:** the tool allows to have a unique place for interaction in relation to your PAD application & you will be able to keep the history of previous applications



**Single access point:** for all your PAD applications



**Repository** of your requests for present and future reference



# GUIDANCE FOR PAD APPLICANTS: STEP BY STEP



# WHY A PAD GUIDANCE FOR APPLICANTS

## Article 10(2) of the Practical Arrangements on access to documents

EFSA shall draw up practical guidance for applicants to inform the public of their rights under Regulation (EC) No 1049/2001. The guidance shall be published on EFSA's website

## Main elements

Toolkit on how to better exercise the access right



Enhance communication in a unique place where all steps are explained



Transparency on how PAD applications are handled @EFSA



# HOW IS THE GUIDANCE STRUCTURED

## Q&A

Q&A conceived from the perspective of the PAD applicants



## 4 sections

Divided in four main sessions addressing all steps of the PAD processing cycle



## Practical

Structured in a way that addresses substantial and practical questions on how to exercise the access right and what to expect from EFSA





| Overview of the Structure  |   |  |  |
|--|---|--|--|
| Topics   |   |  |  |
| Submitting a PAD application   | Processing the PAD applications   | Receiving EFSA 's decision   | Challenging the initial decision   |
| Contains all the Q&As related to the process of an <b>applicant submitting a PAD application</b> and the <b>types of documents</b> that can be requested | Contains all the Q&As related to <b>how EFSA processes PAD applications</b> , the <b>duration</b> of the process and all the information regarding the <b>exceptions to the right of access</b> | Contains all the Q&As related to receiving the <b>final decision from EFSA and the use of documents received</b> | Contains all the Q&As related to <b>challenging the initial decision</b> made by EFSA and the process for submitting a <b>confirmatory application</b> |



# SUBMISSION PHASE: MAIN HIGHLIGHTS



## Where?

- Connect.EFSA
- Functional Mailbox



## Language

- EN working language of EFSA
- 24 EU official languages



## Content

- Link to an EFSA output
- Substance
- Area of work
- Section of a document if not all of interest



## Regular Contact

- Acknowledge the receipt
- Clarify when unclear
- Inform you on steps of the process



## Edit PAD application

- By e-mail any time
- Connect.EFSA: send a comment (registered user)



# THE PROCESSING : MAIN HIGHLIGHTS

## Time limits for the processing

- **Extension**
- **Fair solution:** clarify the scope of the PAD application to be processed within the time-limits



## Assessment of the accessibility: the exceptions

- Specific interests protected by the exceptions
- How the exceptions are applied
- The most used exceptions



## Preparing the documents for release

- Manual redaction
- Attention: personal data and EUGDPR



# THE PROCESSING : Assessment of the accessibility - the exceptions:

## Article 4 of Regulation (EC) No 1049/2001

| Article 4(1)  | Article 4(2)   | Article 4(3)   |
|---|--|--|
| <ul style="list-style-type: none"><li>• (a), Protection of public interest as regards<ul style="list-style-type: none"><li>○ 1<sup>st</sup> indent: public security</li><li>○ 2<sup>nd</sup> indent: defence and military matters</li><li>○ 3<sup>rd</sup> indent: financial, monetary or economic policy of EU or a Member State</li></ul></li><li>• (b) Protection of privacy and the integrity of the individual</li></ul> | <ul style="list-style-type: none"><li>• 1<sup>st</sup> indent: Protection of commercial interest</li><li>• 2<sup>nd</sup> indent; Protection of court proceedings and legal advice</li><li>• 3<sup>rd</sup> indent: Protection of the purpose of inspections, investigation and audits</li></ul> | <ul style="list-style-type: none"><li>• first paragraph: Decision-making process where no decision has been taken yet</li><li>• Second paragraph: Decision making process where the decision has already been taken (opinions for internal use as part of deliberations and preliminary consultations)</li></ul> |



# THE AARHUS REGULATION IN THE CONTEXT OF A PAD APPLICATION

## Application of exceptions concerning requests for access to environmental information Regulation (EC) No 1367/2006

### Art. 6(1) Aarhus Regulation, first sentence:

- Exceptions of Regulation 1049/2001 relating to
  - commercial interests & intellectual property
  - inspections & audits (except investigations)

... if “information relates to  
emission into the environment”  
**Irrebuttable presumption**  
that an **overriding public interest in  
disclosure** exists

### Art. 6(1) Aarhus Regulation, second sentence:

- Other exceptions of the Regulation 1049/2001:

grounds for refusal to be **interpreted  
in a restrictive way** taking into  
account public interest and where  
info relates to “emission into the  
environment”



# THE PROCESSING : MAIN HIGHLIGHTS

## Time limits for the processing

- **Extension**
- **Fair solution:** clarify the scope of the PAD application to be processed within the time-limits



## Assessment of the accessibility: the exceptions

- Specific interests protected by the exceptions
- How the exceptions are applied
- The most used exceptions



## Preparing the documents for release

- Manual redaction
- Attention: personal data and GDPR



# RECEIVING EFSA'S REPLY & CHALLENGING IT

## EFSA's initial decision

- In writing to your email address
- If via Connect.EFSA: notification



## How are the documents shared?

- Via Email
- Via secured platforms



## How to challenge EFSA's reply?

- You can submit a confirmatory application within 15 working days
- Via Connect.EFSA or via email to the HoU of LAS



# TAKE AWAY FOR PAD APPLICANTS



Be clear and precise



Specify the documents requested



Prioritize the documents requested



Read carefully EFSA's communications to you because often there are questions / clarifications



Spontaneously get in contact with EFSA

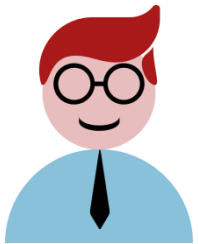




# RECURRENT ISSUES



# RECURRENT ISSUES - CONSULTATIONS



Consultation process is mandatory, unless it is clear that the document shall or shall not be disclosed, and must be completed for EFSA to be in a position to assess & decide



A successful consultation depends on a number of factors and can often be time consuming



Not all consultations are successful and then EFSA shall take a decision



Notification



# RECURRENT ISSUES: Request for Identity

## Identity request

Consulted third parties often ask to receive the identity of the PAD applicant



## Personal data

The identity of individuals will be protected as this constitutes personal data



## Disclosure

An affiliation to a particular company will generally be given out following a notification of such disclosure in advance

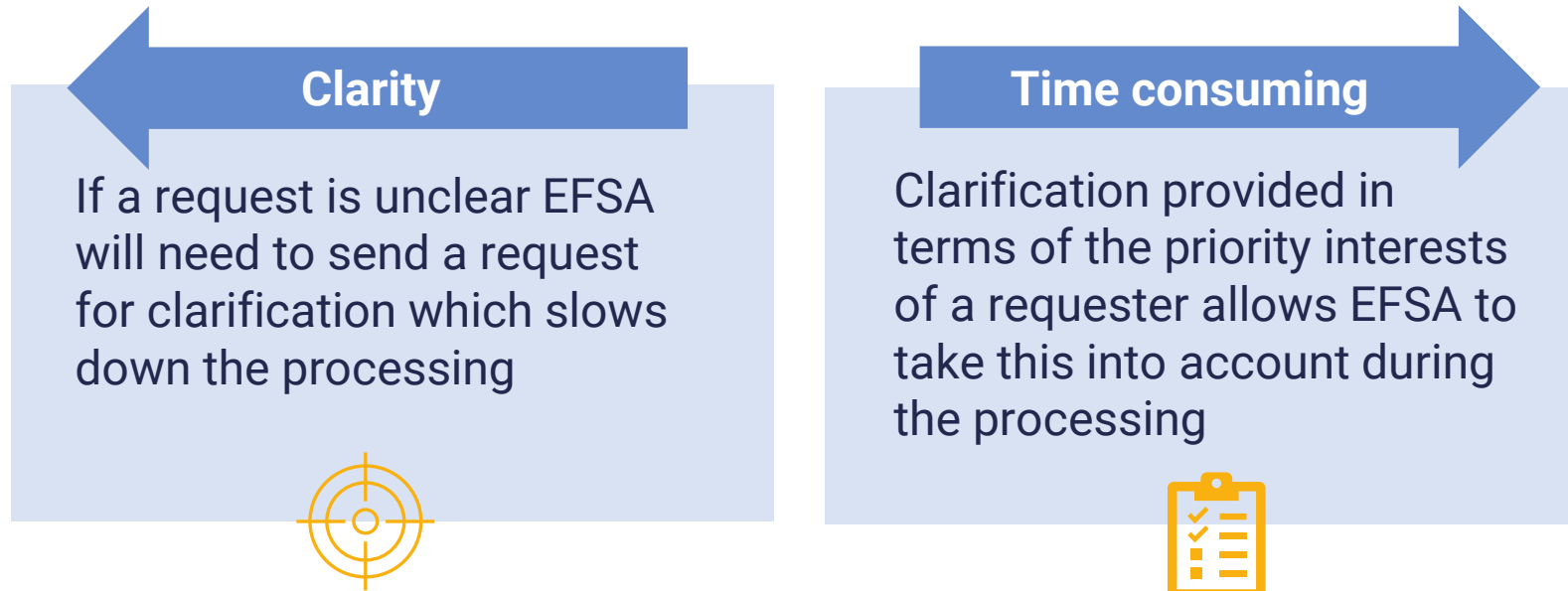


## Small Company

For certain smaller companies it will not be possible to release the affiliation



## RECURRENT ISSUES: Need for clarity



# RECURRENT ISSUES: Reuse of documents



## Article 16

*of Regulation (EC) No 1049/2001*

provides that this Regulation shall be without prejudice to any existing rules on copyright which may limit a third party's right to reproduce or exploit released documents

### IP rights

Other IP rights may exist with respect to certain documents

### Data protection

Certain regulatory data protection provisions also exist in sectoral legislation

### Responsibility

It is the responsibility of recipients of documents to respect these limitations



Q&A



# YOUR QUESTIONS SO FAR



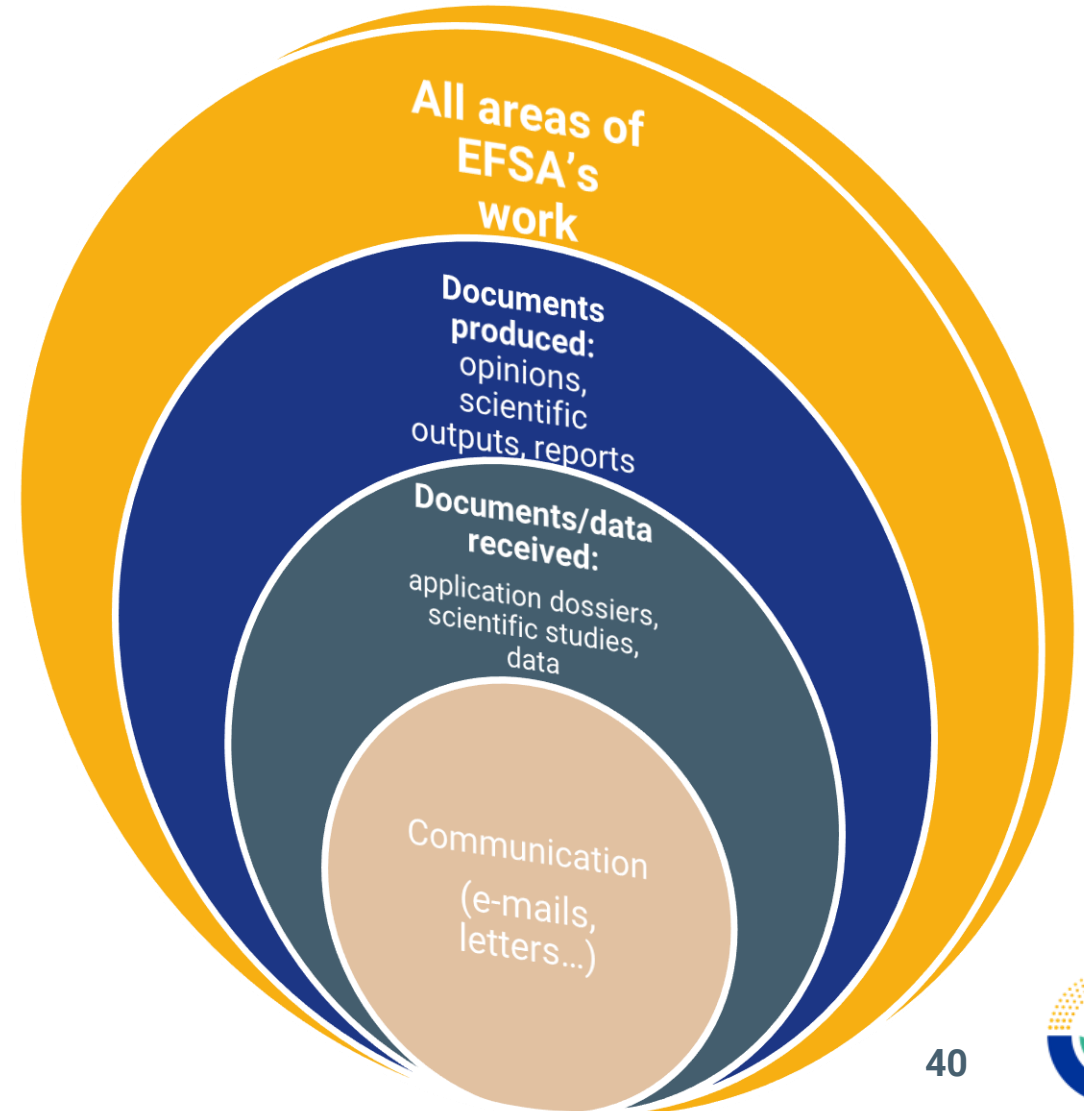
# WHAT KIND OF DOCUMENTS CAN BE REQUESTED?



## Article 3

of Regulation (EC) No 1049/2001

*“any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility”*





# WHO CAN INITIATE A PAD APPLICATION?



## **Article 2(1)** *of Regulation (EC) No 1049/2001*

*Beneficiaries: "Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation."*

# WHO CAN BE THE DOCUMENT OWNERS?



**efsa**  
EUROPEAN FOOD SAFETY AUTHORITY



**EU institutions,  
agencies,  
bodies**



**Member States**



**Food business  
operator (FBO)**



**Study author**



**Persons having  
a relationship  
with a FBO**



---

# QUESTIONS RECEIVED DURING THE WEBINAR



# STAY CONNECTED

## SUBSCRIBE TO

[efsa.europa.eu/en/news/newsletters](https://efsa.europa.eu/en/news/newsletters)  
[efsa.europa.eu/en/rss](https://efsa.europa.eu/en/rss)  
[Careers.efsa.europa.eu](https://careers.efsa.europa.eu) – job alerts



## LISTEN TO OUR PODCAST

Science on the Menu – Spotify, Apple Podcast and YouTube



## FOLLOW US ON TWITTER

[@efsa\\_eu](https://twitter.com/efsa_eu)                      [@methods\\_efsa](https://twitter.com/methods_efsa)  
[@plants\\_efsa](https://twitter.com/plants_efsa)                [@animals\\_efsa](https://twitter.com/animals_efsa)



## FOLLOW US ON LINKEDIN

[Linkedin.com/company/efsa](https://linkedin.com/company/efsa)



## FOLLOW US ON INSTAGRAM

[@one\\_healthenv\\_eu](https://instagram.com/one_healthenv_eu)



## CONTACT US

[efsa.europa.eu/en/contact/askefsa](https://efsa.europa.eu/en/contact/askefsa)

