

General questions before the start of the webinar (Not published)

	Question received	EFSA's reply
1.	Questions received at the beginning of the Webinar, of technical nature	Not applicable.

Questions published and replied

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<p>1.</p>	<p>Hi there, How do you define "public" ? Can the requestor be any person outside of EFSA i.e. can it also be an applicant of a dossier submitter for regulated products asking for PAD for his/her competitor's dossier ? Thank you.</p>	<p>Any citizen of the European Union can submit a PAD application to EFSA, as detailed in Article 2 of the PAD Regulation.</p> <p>Complementary information: Article 2(1) of the PAD Regulation states: <i>"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."</i></p>
<p>2.</p>	<p>Question for later. Can the owner of the data see who is requesting the data by default?</p>	<p>By default, you cannot see what the identity of the PAD applicant is. However, this question will be addressed in more details later during the presentation.</p> <p>Complementary information: you can request any time that information by sending an email to EFSA.public.access.to.documents@efsa.europa.eu . For further information please see section 2.3.13 of the Guidance for PAD applicants.</p>
<p>3.</p>	<p>Is there or can there be a field to ask the reason for the request?</p>	<p>When submitting a PAD application via EFSA.Connect, there is a box called "body" in the form, which allows you to submit any reason relating to your PAD application.</p>
<p>4.</p>	<p>So is it correct that a non-authenticated person can submit a confirmatory request by email?</p>	<p>Yes, but you will need to submit a new request and indicate manually the number of your first request. As such the tool will not link the two requests.</p>
<p>5.</p>	<p>Is a PAD application automatically initiated once confidential claims are added to a dossier in the E-submission food chain platform?</p>	<p>No, PAD applications are not automatically initiated.</p> <p>Complementary information: A PAD application is initiated exclusively upon request of any natural or legal person, in accordance with Article 2 of the</p>

		PAD application. For further details on how to submit a PAD application, please see section 1.1 of the Guidance for PAD applicants.
6.	hi, will you consider my request even if it's submitted via another tool, like email or letter?	<p>You can contact EFSA via EFSA.Connect or via email and/or letter to EFSA. Your PAD application will be addressed by EFSA in both cases.</p> <p>Complementary information: For further details on how to submit a PAD application, please see section 1.1 of the Guidance for PAD applicants.</p>
7.	Can you dispute the level of redactions? What does that process look like?	<p>If you are unsatisfied with EFSA's decision in reply to your PAD application, you can submit a confirmatory application to inform EFSA accordingly.</p> <p>Complementary information: For further details on how to submit a confirmatory application, please see section 3.4 of the Guidance for PAD applicants.</p>
8.	can a generic indication of the PAD applicant be given if it is not possible to disclose the identity?	<p>EFSA provides during the consultation process information of general nature on the PAD applicants (academia, private organisations, NGOs).</p> <p>Complementary information: you can request any time that information by sending an email to EFSA.public.access.to.documents@efsa.europa.eu . For further information please see section 2.3.13 of the Guidance for PAD applicants.</p>
9.	Did I understand correctly that Connect.EFSA should be used in any case, even if I request documents from dossiers that do not fall under the TR?	Yes, you can use Connect.EFSA for any request for access to documents that EFSA holds and that are not published.

<p>10.</p>	<p>Will document owners have the chance to revise the sanitised documents prepared by EFSA before being share with the requestor?</p>	<p>Yes, when EFSA will consult them on the accessibility of documents originating from them in accordance with the provisions of the PAD Regulation.</p> <p>Complementary information: EFSA always sends the concerned sanitised documents, prior to their release, to the document owner(s).</p>
<p>11.</p>	<p>If the consulted third party asks for the release of the affiliation of an individual, will that individual be consulted before their affiliation is released?</p>	<p>Yes, EFSA will always contact the PAD applicant before potentially disclosing the affiliation.</p>
<p>12.</p>	<p>What is the "functional mailbox" address, as mentioned before?</p>	<p>EFSA.public.access.to.documents@efsa.europa.eu</p>
<p>13.</p>	<p>Will the guidance address the rights of the data's owner and will provide guidance for the data's owner? e.g. can the data's owner request the identity of the requester?</p>	<p>The consultation with the document owners is governed by Article 4(4). the guidance is addressing also this aspect of the consultation. As indicated by my colleagues a data owner can always ask for the identity of the PAD applicants and the answer will be provided taking into account of the EU GDPR.</p>
<p>14.</p>	<p>Can the data own make a separate PAD application to ask who the PAD application requestor for their data is...</p>	<p>Yes it is always possible for document owners to submit a request for the PAD application triggering the consultation, or to ask for the affiliation or identity of PAD applicants, as explained in the recurrent issues we encounter. Such requests are handled in accordance with the PAD Regulation and EU GDPR.</p>

Not published and replied

	Question received	EFSA's reply
1.	If company A asks for dossier X, and later another company B asks for the exact same Dossier, does EFSA need to prepare the documents again?	EFSA will always notify the document owners of the additional release raising awareness of the fact that the documents will go out again.
2.	How you deal with third party documents, if the third party is not answering?	EFSA shall take a decision on the accessibility of the documents requested, taking into consideration the information at its disposal. So EFSA will assess the documents in light of the legal framework taking into account the exceptions set in Article 4 of the PAD Regulation.

Published and not replied

	Question received	EFSA's reply
1.	thank you for the initiative, is it possible to get access to an entire database held by EFSA?	In accordance with settled case law, database, under certain conditions, are considered "documents" falling within the scope of the PAD Regulation. In the event of a PAD application relating to a very long document or to a very large number of documents, that may not be addressed within the mandatory time limits foreseen in the PAD Regulation, EFSA will seek to reach an agreement ("fair solution") with you regarding the material scope of your PAD application. For further details please see section 2.2.3 of the Guidance for PAD applicants.
2.	hi, will you consider my request even if it's submitted via another tool, like email or letter?	You can submit a PAD application via Connect.EFSA, by sending an email to the functional mailbox EFSA.public.access.to.documents@efsa.europa.eu or via third party platforms. For more details on the submission of PAD applications, please see section 1.1 of the Guidance for PAD applicants.
3.	So is there a part of the database where the owner can also track the request transparently	If a PAD application has been submitted via Connect.EFSA, the PAD applicant can check at any time the status of the PAD application. If the PAD application is submitted via email, the PAD applicant can always ask questions on the status of the PAD application by sending an email to the functional mailbox EFSA.public.access.to.documents@efsa.europa.eu . In any event, EFSA will update the PAD applicant on the status of the PAD application in all communications with the PAD applicants.

4.	Why is it not made mandatory to register yourself before you can make any request?	In order to submit a PAD application it is not mandatory to register to Connect.EFSA. This aims at ensuring flexibility and facilitating as much as possible the submission of PAD application via such platform, to give full effects on the fundamental right of access to documents in accordance with the PAD Regulation.
5.	I would like to ask about the limits of users registered in connect.EFSA per company? How many separate users within one company might be currently registered in connect.EFSA? Is this number going to be larger in the future?	There isn't a maximum number of registered users per company. Any users can register independently from his/her affiliation.
6.	I'm an efsa expert - are owners of personal data included in documents to be disclosed by efsa consulted on the disclosure?	Should the PAD applicant request access to personal data, he/she must demonstrate the necessity to receive this data by means of expressed and legitimate justifications and convincing arguments. In the absence of such justification, personal data is protected in full. For further details please see section 2.3.5 of the Guidance for PAD applicants.
7.	Thanks a lot for the webinar, very informative.	Reply not applicable.

Not published and not replied

	Question received	EFSA's reply
1.	If the consulted third party asks for the release of the affiliation of an individual, will that individual be consulted before their affiliation is released?	EFSA will always engage with the PAD applicant before taking the decision on the disclosure of the affiliation of the data subject concerned, taking into account the legal framework on the protection of personal data.
2.	thanks for the explanation of the aarhus regulation. but shouldn't all env information be already disclosed in a proactive manner by EFSA?	EFSA makes proactively available information and data in accordance with the provisions set out in Article 38 of Regulation (EC) No 178/2002, as amended by Regulation (EU) 2019/1381, in application as of 27 March 2021. With regards to the processing of PAD applications, concerning <i>inter alia</i> environmental information, the process is governed by Regulation (EC) No 1049/2001 and Regulation (EC) No 1367/2006.
3.	How is a small company defined (number of employees)?	EFSA carries out a case-by-case assessment and takes into account information which is publicly available as well as several factors, including for instance the number of employees and the areas of work of the employees.
4.	How is a PAD request of third party documents that have already been	Article 41 of Regulation (EC) No 178/2002 states that " <i>Notwithstanding the rules on confidentiality provided for in Articles 39 to 39d of this Regulation, Regulation (EC) No 1049/2001 of the European Parliament and of the Council shall apply to documents held by the Authority.</i> ".

	deemed as confidential by EFSA after validation of an application handled?	Therefore, when EFSA receives a PAD application on such documents, EFSA will assess the accessibility of these documents in accordance with the provisions of the PAD Regulation, taking into account the confidentiality decision concerning these documents.
5.	How is a PAD request of third party documents that have already been deemed as confidential by EFSA after validation of an application handled?	See reply to question 4 hereabove.
6.	Whether or not commercial damage can be done depends on who the requester is	The exceptions to disclosure are detailed in Article 4 of the PAD Regulation, in particular Article 4(2), first indent of the PAD Regulation regarding the protection of commercial interests of natural and legal persons. Accordingly, it is for the document owner to justify how disclosure of a document, would specifically and actually undermine its commercial interests. EFSA will then assess the claims for protection of the information, taking into consideration all elements at stake.
7.	Are there any plans for EFSA to publish on their website the results of ALL PAD requests (much like the Commission has done with the EASE website)?	EFSA is currently not publishing the outcome of the processing of PAD applications on its website. However please note that EFSA regularly publishes information, documents and data in relation to the risk assessment in accordance with Article 38 of Regulation (EC) No 178/2002 on its website, including Open EFSA and the EFSA Journal.
8.	But the sanitisation does not have to be performed again by EFSA?	The sanitisation process is detailed in section 2.3.14 of the Guidance for PAD applicants.

<p>9.</p>	<p>(slide 27) Based on article 4(2) of regulation 1049/2001, can a company (as document owner) ask for the protection of commercial interest and then have some part of the document (for which there is a PAD request) sanitised (even if the document fall under the TR)?</p>	<p>When consulted in accordance with Article 4(4) of the PAD Regulation, the document owner can claim for protection of any information it considers as deserving such protection as disclosure would undermine the protection of its commercial interests, including intellectual property in accordance with Article 4(2), first indent of the PAD Regulation.</p>
<p>10.</p>	<p>How long are you going to protect the reuse of data? When are you going to allow the reuse without asking the original "data-owner"?</p>	<p>In accordance with Article 7 of the Decision of EFSA's Management Board laying down practical arrangements for implementing Regulation (EC) No 1049/2001 and Articles 6 and 7 of Regulation (EC) No 1367/2006, when a document originates from third parties EFSA will always engage with the relevant document owners on the PAD application, unless it is clear that the document can or cannot be disclosed.</p> <p>With regards to the reproduction of documents we draw your attention to Article 16 of the PAD Regulation, that EFSA always refers to when disclosing partially or in full the requested documents. For further details please see section 3.3 of the Guidance for PAD applicants.</p> <p>Finally, Article 4(7) of the PAD Regulation states "<i>The exceptions as laid down in paragraphs 1 to 3 shall only apply for the period during which protection is justified on the basis of the content of the document. The exceptions may apply for a maximum period of 30 years. In the case of documents covered by the exceptions relating to privacy or commercial interests and in the case of sensitive documents the exceptions may, if necessary, continue to apply after this period.</i>"</p>

<p>11.</p>	<p>Is it possible that the reply to a PAD request discloses data that have been granted a confidential status under the Transparency Regulation?</p>	<p>See reply to Question 4 hereabove.</p>
<p>12.</p>	<p>Does the PAD apply to the request dossier for evaluating whether a food is novel or not novel provided to a Member State according to the article 4 of the NF Regulation?</p>	<p>In accordance with Article 2(3), the PAD Regulation applies to <i>“all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union”</i>. Therefore, upon receipt of a PAD application, and as detailed in sections 1.2.1 and 1.2.2 of the Guidance for PAD applicants, EFSA will perform a thorough verification on a case-by-case basis in order to identify which documents fall within the scope of a given PAD application and are in EFSA’s possession. In relation to any document requested, such as the documents you refer to, EFSA will check upon receipt, on a case-by-case basis, whether they are in EFSA’s possession and if so they will be processed in accordance with the PAD Regulation.</p>
<p>13.</p>	<p>How is a PAD request of third party documents that have already been deemed as confidential by EFSA after validation of an application handled?</p>	<p>See reply to Question 4 hereabove.</p>