



How the European Food Safety Authority (EFSA) dealt with a request for public access to documents related to a proposal to restrict lead in ammunition

Case opened

Case 2124/2021/MIG - **Opened on** 17/12/2021 - **Recommendation on** 02/05/2022 -

Decision on 14/11/2022 - **Institution concerned** European Food Safety Authority (Recommendation agreed by the institution) |

Head of Legal Affairs Services Unit

European Food Safety Authority

Dear Mr X,

The Ombudsman has received a complaint against the European Food Safety Authority. The Ombudsman has asked me to deal with the case on her behalf.

The complaint concerns the delay incurred by EFSA in dealing with a request for public access to an email (including attachments) that EFSA sent to the European Chemicals Agency (ECHA) in the context of a restriction procedure under the REACH Regulation in June 2020.

We have decided to open an inquiry into this complaint to examine how EFSA has dealt with the complainant's access request.

The complainant considers that EFSA was not justified in extending the deadline for its reply multiple times, arguing that this is not in line with Regulation 1049/2001. In particular, the complainant contends that the extent of the documentation should not have given rise for a delay and that EFSA had neither good reasons nor provided sufficient justification for any deadline extension. The complainant also contends that EFSA must have been aware of the importance and relevance of the documents at issue (given the then ongoing public consultation conducted by ECHA) and says that EFSA's failure to provide the requested documents within the prescribed time limit deprived it of the chance to meaningfully assess ECHA's findings and to substantiate (more thoroughly than it could) the contributions it made in the public consultation carried out by ECHA.

As a first step, we consider it necessary to review the documents at issue in the



complainant's access request as well as EFSA's related file. We would be grateful if EFSA could provide copies of those documents, preferably in electronic format through encrypted e-mail, [1] by 10 January 2022.

The documents subject to the public access request will be treated confidentially, along with any other material EFSA chooses to share with us that it marks confidential. Documents of this kind will be handled and stored in line with this confidential status and will be deleted from the Ombudsman's files shortly after the inquiry has ended.

We also consider that it would be helpful to schedule a meeting between EFSA and the Ombudsman's inquiry team at which we can discuss this case. The inquiries officer responsible for the case, Ms Michaela Gehring, can be reached to arrange the details of this meeting, ideally to take place before 31 January 2021.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 17/12/2021

[1] Encrypted emails can be sent to our dedicated mailbox.