

26 JUL 2016

Ref. DD/CP/mm (2016) – out-15996630

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Subject: Your request for public access to documents of 14 June 2016

Ref: PAD 2016/052

Dear Mr Wolfschmidt,

I refer to your letter dated 14 June 2016 by means of which you requested access to *"all measurement concerning contamination data on mineral oils in food and food packaging which has been submitted to the European Food Safety Authority (EFSA) between 2006 until this date, either by member states, companies or other third parties. This data includes the unique sample number, date of examination/sampling, product name, product type, brand, company, manufacturer, type of product packaging, country of origin, detected amount of MOSH and/or MOAH and any other information which is associated with these measurements. [...] To disclose all other documents from 2006 until date which shows information about the contamination of food or packaging of food products with MOSH and MOAH"*.

We have assessed your request in accordance with Regulation (EC) No 1049/2001 on public access to documents¹ (hereinafter the *"PAD Regulation"*) and Regulation (EC) No 1367/2006 on the application of provisions of the Aarhus Convention² (hereinafter the *"Aarhus Regulation"*) with the following outcome.

First it should be clarified that EFSA has not collected data on mineral oil hydrocarbons in food and food contact material since the Scientific Opinion on Mineral Oil Hydrocarbons in Food³ was issued. When EFSA was requested to prepare the Scientific Opinion of the CONTAM Panel, an ad-hoc call for data on mineral oil hydrocarbons (MOH) was issued in 2010 and the data received are those that were included in the Scientific Opinion. Since 2010 MOH were included in the permanent call for data on chemical contaminants, but since then no additional data on this substance group were submitted to EFSA. It follows that EFSA only has in its possession the data used for issuing the cited scientific opinion.

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, OJ L 264, 25.9.2006, p. 13-19.

³ EFSA Scientific Opinion on Mineral Oil Hydrocarbons in Food, see:
<http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2012.2704/epdf>

Partial disclosure – 1st Batch

1. Data on mineral oils in food and food packaging

After consultations with the owners of the data requested, in accordance with Article 4(4) of the PAD Regulation, we are pleased to provide you, in a first batch with full access to data on mineral oil in food, collected by the University of Udine (Italy) and the Official Food Control Authority of the Canton of Zürich (Swiss) (hereinafter "KLZH"). We are disclosing to you these in the enclosed Excel files.

Please note that while the dataset from the University of Udine was provided to EFSA in the EFSA Standard Sample Description (SSD) simplified format, the data of KLZH were imported in the system by EFSA and included a minimal information not covering most of the data fields foreseen in the SSD format. Please note that, according to Article 10(3) of the PAD Regulation, institutions release documents as they exist⁴.

Finally, kindly note that we are still in the process of clarifying the confidentiality status of part of the data requested by consulting the owners; EFSA would like to propose you as fair solution in application of Article 6(3) of the PAD Regulation⁵ to extend the reply deadline. I hope this is agreeable to you. We will come back to you with a final position on this by **18 August 2016**.

2. All other documents from 2006

For this item, please be informed that no additional documents showing information about the contamination of food or packaging of food products with MOSH and MOAH are held by EFSA.

We hope you may find the disclosed documents useful. I must remind you that all persons reproducing, redistributing, exploiting or making commercial use of this information are expected to adhere to the terms and conditions asserted by the copyright holder. In case the copyright is owned by EFSA, please refer to the copyright notice on our website.

Yours sincerely,



Cc.: [redacted] (EFSA)

Encl.: 2 Excel Data files

⁴ Please see Article 10 (3) of the PAD Regulation "Documents shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape) with full regard to the applicant's preference".

⁵ 'In the event of an application relating to a very long document or to a very large number of documents, the institution concerned may confer with the applicant informally, with a view of finding a fair solution'