

Brussels, July 14, 2023

Subject: Request for access to documents (WOO request) - **Ingredients used in authorised plant protection products and information on their toxicological profile**

To whom it may concern,

The NGOs PAN Netherlands and PAN Europe hereby request access to documents regarding the ingredients used in the formulation of the following plant protection products (list of components):

- Acetamiprid - Amiprid 20 SG and INTER APRID SG
- Cyantraniliprole - Verimark, Benevia, Mainspring
- Glyphosate - Glyper 360 SL and Roundup Ultimate
- Pelargonic acid - DCM Anti-Onkruid & Anti-Mos gebruiksklaar, DCM concentraat, Finalsan
- Tebuconazole - WOPRO Tebur 250 EW, TEBUCUR 250 EW and FOLICUR SC

We also ask you to send us any exchange of information with the applicant or authorisation holder for these plant protection products, regarding the toxicity or toxicological profile of their co-formulants, safeners or synergists.

This request for access to documents is made within the framework of the Open Government Act, regulating the accessibility of information of public interest (Wet Openbaarheid Overheid).

The documents we request fall within the scope of “information on emissions into the environment”. This notion is referred to in the second subparagraph of Article 4(2) of the Directive 2003/4/EC and its understanding and scope have been clarified in the rulings C-673/13 P and C-442/14 of the Court of Justice of the European Union (CJEU).

Under the ruling C-442/14, the CJEU has clarified that “ ‘emissions into the environment’ within the meaning of that provision covers the release into the environment of **products or substances such as plant protection products** or biocides **and substances contained in**

those products, to the extent that that release is actual or foreseeable under normal or realistic conditions of use.” (operative part of the judgement, §2).

Therefore, “information on emissions into the environment” **“covers information concerning the nature, composition, quantity, date and place of the ‘emissions into the environment’ of those products or substances, and data concerning the medium to long-term consequences of those emissions on the environment (...).”** (C-442/14, operative part of the judgement, §2).

In the rulings C-673/13 P and C-442/14, the CJEU provided that the “information on emissions into the environment” must be interpreted as covering not only information on the emissions themselves but also **information that enables the public to verify the accuracy of the assessment of actual or foreseeable emissions**, based on which the competent authority authorised the respective product or substance, **as well as data concerning the medium or long-term effects of those emissions on the environment** (C-673/13, §79 - 80 ; C-442/14, §86 - 87).

We would like to remind you that, as per Directive 2003/4/EC, **Member States may not invoke commercial and industrial confidentiality to preclude the disclosure of information on emissions into the environment** (Directive 2003/4/EC, Article 4, §2). This provision was subsequently reaffirmed by the CJEU in the case C-442/14 (§99).

In light of these specifications, our request for access to documents regarding the ingredients used in the formulations of the aforementioned list of plant protection products, as well as the requested information on the toxicity of these components, pertains to the nature and composition of these products. Accessing the requested information is essential for PAN Netherlands and PAN Europe to exercise their right to verify the accuracy of the assessment of actual or foreseeable emissions, as well as the effects of those emissions on the environment.

Thank you in advance for your timely assistance with this matter.

Yours sincerely,

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