



Dear Mr Herzog

We are writing representing 6 associations directly impacted by the current proposal being discussed in Council and Parliament amending the General Food Law. We fully support efforts to improve transparency in the risk assessment process, particularly to help build trust in the EU system. We also believe that this should be done with respect for the key principles of proportionality, fairness, predictability and coherence with existing EU and international laws and obligations. We have been made aware of the recent Presidency proposals relating to the treatment of confidential business information, and have considerable concerns that these principles are in fact not being respected, and your proposals will have a significant and unwarranted impact on the ability of all sectors to maintain the necessary protection for confidential business information. In the long term, if accepted, these proposals will have an impact on the ability of all sectors to continue to invest in innovation and consequently create jobs and growth in Europe.

Our key concerns are as follows:

- The reversal of the **burden of proof, and the required level of proof** necessary for confidentiality
- The extremely limited **scope of data that may be treated as confidential**
- The **timing of release** which is not in line with precedent in other sectors such as pharmaceuticals
- Uncertainty over **mechanisms for release of information** where we urge regulators to follow the example of the European Medicines Agency. There is otherwise a risk that data will be misused, for example by competitors in other jurisdictions.

Given the potentially significant repercussions that this proposal would have in terms of precedent for other sectors we are copying this letter to the associations of 120 other sectors. As these changes are being made as part of the General Food Law they might not yet be aware of the significant precedent potentially being set by this proposal and any changes that are being made to their ability to protect confidential business information.

Yours sincerely

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Joanna Dupont-Inglis, Secretary General EuropaBio
Roxanne Feller, Secretary General, Animal Health Europe
Karl-H. Foerster, Executive Director, Plastics Europe
Marco Mensink, Director General, Cefic
Garlich Von Essen, Secretary General, European Seed Association