



Dirk Detken
Head of the Legal and Policy Affairs Unit
European Food Safety Authority
Largo N. Palli 5/A
43121 Parma
Italy

Brussels, 27 September 2011

Dear Mr. Detken,

In your letter dated 16 September 2011 you threaten to take legal action regarding the use of an illustration on Corporate Europe Observatory's website¹. You claim this illustration constitutes an "unauthorised use of EFSA's logo and name" and that this entitles EFSA to take legal action "to ensure that the use ceases".

On behalf of Corporate Europe Observatory I would like to make the following observations:

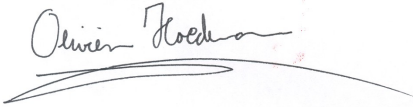
- The illustration on our website accompanies a report that criticizes EFSA's failure to prevent members of its panels having conflicts of interest. The report (titled "EU food additive experts fail to declare links with food industry") advocates changes in EFSA's rules and procedures in order to effectively regulate against conflicts of interest. The illustration is clearly a parody and therefore falls under the right to freedom of speech and expression.
- The illustration does not use EFSA's name, but rather an ironic paraphrasing that reflects our criticism of EFSA's unresolved conflicts of interest which may result in undue industry influence ('European Food Industry Authority' - EFIA).
- For this reason but also because of the very clear text above the illustration, it can be entirely ruled out that anyone could mistakenly be under the impression that this is the EFSA logo.
- The illustration has been posted on our website to accompany the above-mentioned report, but was obviously not intended for marketing or other commercial purposes and has not been used in this way.

We consider the threat of legal action to be an inappropriate response to CEO's criticism of EFSA, which is both well-documented and highly relevant, especially in the context of the ongoing investigation by the European Court of Auditors over alleged conflicts of interest at EFSA and other EU agencies.

¹ <http://www.corporateeurope.org/publications/eu-food-additive-experts-fail-declare-links-food-industry>

We cannot but interpret these threats as an attempt to limit our right to freedom of speech and expression.

Yours sincerely,

A handwritten signature in black ink that reads "Olivier Hoedeman". The signature is written in a cursive style and is underlined with a single, long, sweeping horizontal stroke.

Olivier Hoedeman

On behalf of Corporate Europe Observatory (CEO)