

Summary of LOWI decision 2016-16

The Petitioner does not agree with LOWI opinion 2016-15 of 7 December 2016 and has asked the LOWI to reconsider its opinion.

Below are the most relevant considerations in the LOWI's decision:

- The general starting point for complaints and petitions submitted to the LOWI is that– partly with a view to legal certainty – the relevant proceedings must eventually come to an end. The LOWI proceedings end when it issues its opinion to the relevant Board.
- In so far as the Petitioner is submitting a request to reconsider or a repeat petition, the LOWI has ascertained whether any new facts or circumstances (*nova*) have arisen that would cause it to revise its opinion.
- In its opinion, the LOWI assessed and declared unfounded the Petitioner's restated position that there is reasonable doubt concerning the objectivity of the Interested Party's scientific judgement. The new e-mails that the Petitioner has submitted to the LOWI date from before it issued its opinion and were already in the Petitioner's possession. They cannot be regarded as new facts or circumstances. It is at the expense and risk of the Petitioner that this evidence was not furnished during the LOWI proceedings.

The LOWI observes that no new facts or circumstances have been submitted or become evident and concludes that the request is inadmissible pursuant to Article 7.4 of the LOWI Regulations and Article 9:23(i) in conjunction with Article 4:6 of the General Administrative Law Act. The LOWI has therefore resolved not to review the Petitioner's request.

On 22 December 2016, the Board also found that there was no reason to reopen the investigation.