



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
Health and food audits and analysis
Country knowledge and enforcement

Grange
SANTE.DDG2.F.7/

By email only
ask request-11204-
760eccd9@asktheeu.org

Subject: Your application for access to documents – GESTDEM 2022/2569

Dear Sir, / Dear Madam,

We refer to your request through the AsktheEU.org website of 6 May 2022 in which you make a request for access to documents, registered on 10 May 2022 under the above-mentioned reference number.

We also refer to our letter of 2 June 2022 extending the time limit to respond to your request according to Article 7(3) of the Regulation (EC) No 1049/2001.

1. Scope of your request

In your application, you ask, on the basis of Regulation (EC) No 1049/2001, access to:

all animal welfare data that was submitted to the Commission by Member States for the 2019/20 Annual Report (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022DC0129>).

2. Assessment of the documents

We have identified 81 documents that fall within the scope of your request.

Since some documents originate from a third party in accordance with Art. 4(4) of Regulation, the originator of the documents has been consulted in order to assess whether an exception established in Article 4 applies to these documents.

You will find attached a table listing the identified documents and summarising the outcome of the assessment carried out on the basis of Regulation (EC) No 1049/2001.

Having examined the documents under the provisions of Regulation (EC) No 1049/2001 and considered the opinion of the third party we have come to following conclusion:

- Full access can be granted to the documents 1, 3, 5, 12, 13, 14, 15, 16, 17, 20, 21, 22, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 45, 46, 47, 48, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 78, 80.

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- Partial access can be granted to the documents 2, 4, 11, 18, 19, 61, 62 as their full disclosure is prevented by one of the exceptions to the right of access laid down in Article 4 of Regulation (EC) No 1049/2001.

Some Member States have published their annual reports, and provided us a link to them; in these cases, we have included in the list the link to the published document rather than the actual document, as to documents 6, 7, 8, 9, 10, 23, 24, 25, 26, 27, 28, 29, 30, 41, 42, 43, 44, 49, 55, 72, 77, 79, 81. As regards documents published on websites other than the one managed by the Commission, the Commission is not responsible for their publication or for their content, and this responsibility lies with the Member States.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

3. Protection of personal data

Protection of the privacy and integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data - Article 4(1)(b) of Regulation (EC) No 1049/2001.

With regard to the documents 2, 4, 11, 18, 19, 61, 62, a complete disclosure is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;
- other information relating to an identified or identifiable natural person including their job titles.

In your application, you indicate that your address is in the United Kingdom; it is unclear whether the request is made on behalf of an international organisation. Transfers of personal data from the Commission to countries that are not members of the European Economic Area (EEA), or to international organisations are regulated under Chapter V of the Data Protection Regulation¹.

According to Article 47(1) of this Regulation, a transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that country, or the international organisation in question ensures an adequate level of protection and where the personal data are transferred solely to allow tasks within the competence of the controller to be carried out.

Based on the information available, the country of your residence / your international organisation is recognised by the Commission as ensuring an adequate level of protection. However, we would further like to inform you that Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

Therefore the above-listed documents are disclosed redacted of the parts containing personal data.

4. Means of redress

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Bruxelles,
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Electronically signed

Aidan O'CONNOR
Head of Unit

Enclosure: List of the documents and disclosed documents